

SELECT COMMITTEE ON BENGHAZI,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

INTERVIEW OF: CHERYL MILLS

THURSDAY, SEPTEMBER 3, 2015

Washington, D.C.

The interview in the above matter was held in Room HVC-302,
Capitol Visitor Center, commencing at 8:10 a.m.

Present: Representatives Gowdy, Brooks, Jordan, Westmoreland,

and Cummings.

Appearances:

For the SELECT COMMITTEE ON BENGHAZI:

PHILIP G. KIKO, STAFF DIRECTOR AND GENERAL COUNSEL

CHRIS DONESA, DEPUTY STAFF DIRECTOR

DANA CHIPMAN, CHIEF INVESTIGATIVE COUNSEL

SHARON JACKSON, DEPUTY CHIEF COUNSEL

CRAIG MISSAKIAN, DEPUTY CHIEF COUNSEL

MAC TOLAR, SENIOR COUNSEL

CARLTON DAVIS, INVESTIGATOR

SARA BARRINEAU, INVESTIGATOR

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HEATHER SAWYER, MINORITY CHIEF COUNSEL

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LAURA RAUCH, MINORITY SENIOR PROFESSIONAL STAFF

DANIEL REBNORD, MINORITY PROFESSIONAL STAFF

For MS. MILLS:

BETH ANN WILKINSON

HAL BREWSTER

ADAM SCHWARTZ

Ms. Jackson. Good morning, Ms. Mills. Again, my name is Sharon Jackson. And this is a transcribed interview of Cheryl Mills conducted by the House Select Committee on Benghazi. This interview is being conducted voluntarily as part of the committee's investigation into the attacks on the U.S. diplomatic facilities in Benghazi, Libya, and matters related to that pursuant to House Resolution 567 of the 113th Congress and House Resolution 5 of the 114th Congress.

Could we have your name, please, for the record.

Ms. Mills. My name is Cheryl Mills.

Ms. Jackson. Okay. Good morning, and we appreciate your appearance here today.

And what I would like to do in the next few minutes is go over sort of the ground rules that will apply to this interview. As you know, everything has ground rules and we have them here too.

Ms. Mills. Okay.

Ms. Jackson. So, again, I introduced myself, but I am Sharon Jackson. I'm with the majority staff. And the first thing I'd like to do is go around the room and have everyone identify themselves so we have a record of who's here.

So we'll start with the counsel that is accompanying you and work our way counterclockwise around the room.

Ms. Wilkinson. Good morning, Ms. Jackson. My name is Beth Wilkinson.

Mr. Schwartz. Good morning. Adam Schwartz.

Ms. Jackson. Okay. And in the back?

Mr. Brewster. My name is Hal Brewster.

Mr. Kenny. Peter Kenny with the minority staff.

Ms. Sawyer. Heather Sawyer with the minority staff.

Mr. Jordan. Jim Jordan.

Mr. Gowdy. Trey Gowdy.

Mr. Davis. Carlton Davis.

Ms. Barrineau. Sara Barrineau with the majority staff.

Ms. Betz. Kim Betz with the majority staff.

Mr. Chipman. I'm Dana Chipman with the majority staff.

Mr. Missakian. Craig Missakian, majority staff.

Ms. Rauch. Laura Rauch with the minority staff.

Ms. Green. Shannon Green with the minority staff.

Mr. Rebnord. Dan Rebnord with minority staff.

Mr. Dones. I'm Chris Dones with the committee.

Mr. Kiko. Phil Kiko with the committee.

Ms. Jackson. Okay. All right. So I'll take a few minutes to talk about those ground rules and explain how the interview will proceed.

Generally, the way the questioning has proceeded is that a member from the majority will ask questions for up to an hour and then the minority staff will have the next hour to ask questions. Questions may only be asked by a Member of Congress or a member of the staff of the committee. We will rotate back and forth in those hour increments until we're out of questions and the interview will then be over.

Ms. Mills. There's no hour for me?

Ms. Jackson. You'll be doing a lot of talking today.

Ms. Mills. No, I want to ask you. Okay. That's fair.

Ms. Jackson. Yes. Unlike testimony or a deposition in Federal court, the committee format is not bound by the rules of evidence. The witness or their counsel may raise objections for privilege subject to review by the chairman of the committee. If these objections cannot be resolved in the interview, the witness can be required to return for a deposition or a hearing.

Members and staff of the committee, however, are not permitted to bring up objections when the other side is asking questions. So again, your counsel can raise objections for privilege and then it would be subject to the review of the chairman of the committee.

And I would note that we are joined by Mr. Westmoreland, who is a member of the committee.

Ms. Mills. Hi. How are you? It's very nice to meet you.

Ms. Jackson. Our session today is unclassified. If you feel that any question calls for a classified answer, please let us know and we will reserve its answer until another time. We are in a classified setting; however, the interview is going to be unclassified.

Ms. Mills. So that means if you all ask a question that might end up implicating classified information, even though we're in a SCIF, I shouldn't answer that?

Ms. Jackson. It is my understanding that not everybody has the appropriate level of clearance to hear the classified information.

Ms. Mills. Okay.

Ms. Jackson. You are welcome to confer with counsel at any time throughout the interview, but if something needs to be clarified, we would ask that you first make that known. Just ask that we restate the question, repeat it, rephrase it in some way so that you understand.

Ms. Mills. Okay.

Ms. Jackson. We will also take a break whenever it's convenient for you. Generally, we do this after every hour of questioning. We'll take a 10-minute, 15-minute break at that time to allow everyone to -- the minority and the majority to switch seats out for the questioning and let everybody --

Ms. Mills. You actually change seats?

Ms. Jackson. Yes, because of the microphones for the reporters.

Ms. Mills. Okay.

Ms. Jackson. Yes. So, but during the round of questioning, should you need anything, a glass of water, use of the facilities, to confer with your counsel, please just let us know. We'll go off the record, take a break and allow you the opportunity. We're going to try and make this as comfortable as possible for you.

Ms. Mills. Thank you. I've been waiting all day for that.

Ms. Jackson. As you can see, we have an official reporter taking down everything that is said so that we can have a written record of this. So we ask that you give verbal responses to all questions that are posed, yes and noes as opposed to nods and shakes of the heads, as is human nature.

And I'm also going to give the reporter permission to interrupt

the proceedings if we tend to talk over each other. There's a habit that we all have of starting to give an answer before the question is done or asking the next question before the answer is fully given. So I'm going to try and be very cognizant of that and allow you to finish before I go on to the next question. But if we talk too fast or interrupt each other, the reporter has our authority to interrupt us and tell us to slow down or one at a time.

Again, as I said, we are here in a voluntary interview, but we do want to get a written record of your answers to the questions that we have posed. So, again, if you need anything repeated or clarified, please ask because we will be happy to clarify.

We ask that you give us the most complete and best answer that you can to our questions. We understand that there has been a passage of time and memories fade over time and that you may not remember all of the details with the clarity that you knew them at that time. But we do ask that you give us as much information as you can to the answers that we have.

If you honestly don't know the answer to a question or do not remember, it's best not to guess. But if you can't remember, just tell us, but inform us who might have that information. If there was someone else in the room, someone else present that might be privy to the same information that you had at that time. But, again, we ask that you give us the most complete answer you can to the questions that we pose.

Do you understand that you are required to answer questions from Congress truthfully?

Ms. Mills. Yes, I do.

Ms. Jackson. Okay. Do you understand that that also applies to questions that are asked by staff of a committee?

Ms. Mills. Yes.

Ms. Jackson. Okay. Do you understand that witnesses that knowingly provide false testimony could be subject to criminal prosecution for perjury or making false statements?

Ms. Mills. Yes.

Ms. Jackson. Okay. Is there any reason that you would be unable to provide truthful answers to today's questions?

Ms. Mills. I hope there's none.

Ms. Jackson. Okay. Well, that's the end of my preamble and the ground rules.

Does the minority have anything that they would like to add?

Ms. Sawyer. Just briefly, we would like to welcome you here today, Ms. Mills. We very much appreciate your willingness to appear voluntarily and to be here so early with us. The ranking member hopes to join us soon and will also look forward to hearing your testimony today.

It's our understanding that your counsel on your behalf had requested that the interview be conducted publicly, and it's also our understanding that that request was denied. So I just wanted to give your counsel an opportunity to comment on that if she would like. We were not party to the conversations about it. So on behalf of the minority members, to the extent Ms. Wilkinson would like to comment,

we would like to give her the opportunity.

Ms. Wilkinson. I don't have any comment. We made our request. It was turned down. I would only ask today that at the end of the day, because this is an unclassified hearing, as was just explained to us, that the transcript be released publicly; ask the chairman consider that request, please.

Ms. Sawyer. And then I just want to note as we begin that the majority is still seeking documents from the State Department and as has been noted, there is an issue of security clearance, as we understand it. Nonetheless, we've decided to proceed today. The minority is fully confident that the committee will have the opportunity to ask all of the questions it needs, and we certainly don't believe that these factors should justify asking you to return on multiple occasions to appear before us.

So, again, thank you, welcome, and we look forward to talking to you.

Ms. Mills. Thank you.

Ms. Jackson. Okay. With that, we'll begin the first hour of questioning. I see that my watch says it's about 8:17.

EXAMINATION

BY MS. JACKSON:

Q Ms. Mills, could you just walk us through your professional background since law school.

A I graduated from law school in 1990. Went to Stanford Law School. When I left Stanford Law School, I went and worked at Hogan

& Hartson, which is a law firm here in town, and I worked for David Tatel, who now sits on the D.C. Circuit, but was doing education desegregation law, so trying to support those school districts that were still trying to implement the promises of Brown v. Board of Education. I was there for almost 2 years, actually, I guess a little over 2 years.

During that time period, I ended up going to work on the preplanning for the transition of then-Governor Clinton who was then subsequently elected President Clinton's campaign. I worked there from the summer of 1992, I believe -- wow, I'm so old now. Okay -- until I went to work in the counsel's office, which was -- that was in 1991 and then I went to the counsel's office in 1992.

I worked there until -- I was there for 7 years and then I went from there to work at Oxygen Media for 2 years. And from Oxygen Media I went to go work at NYU, and then I left NYU to come to the State Department. I was at the State Department during Secretary Clinton's tenure. And then I left and have been building businesses in Africa as well as having a few clients that I actually provide advice or consulting to.

Q Okay. Obviously, you met Secretary Clinton during your White House tenure, or had you met her before?

A I met her in Little Rock, so I met her in 1991. I didn't know her obviously -- when I met her, I didn't know her as well then and got to know her better during the time I was in the White House and the time that I was in Little Rock. I knew President Clinton better

when I was in Little Rock.

Q Okay. Did you work on Secretary Clinton's 2008 presidential campaign?

A Yes. Yes. And I did that -- actually, I took a leave part time from NYU and I was a consultant on her campaign. And I was on her campaign from, I think it was 2007 and 2008, might have been just 2008, but it was in that time period I was there, correct.

Q Do you recall approximately how long you were there?

A I was there until she transitioned into the State Department.

Q So you stayed with her campaign until you -- then she became Secretary of State?

A She became Secretary of State. Yeah, I was a consultant always to the campaign so I was never a full-time employee of the campaign, but I stayed with her through the period of time where she ultimately then made the decision to accept the offer to be Secretary of State and then become Secretary of State.

Q And when did you become her counselor and chief of staff?

A So I came to the Department in a part-time capacity because my objective was to replace myself and have someone else have the joy of serving as counselor and chief of staff. So I --

Q You were unsuccessful in that endeavor?

A I was. I was. I was. Alas, here we are. So I ultimately in about -- I decided in the spring that I would stay and so I transitioned to being a full-time employee, I believe, in the spring,

so like May of 2009.

Q Well, I understand how part-time employment works in the District of Columbia, so was your time when she first became Secretary of State until you became full time, were you a consultant to her? Were you a part-time employee?

A So at the Department, they have different special government employee statuses, so I was an unpaid consultant to her during that time period. And they have different categories that they put people in, so that's the category I was in.

Q Okay. And she became Secretary of State on the day the President was inaugurated?

A No, the next day. I can remember that. I think it was the next day. So she was like, I think, the 21st, if I remember it.

Q So you were with her from the onset of her being Secretary of State?

A I was with her from the onset of her being Secretary of State. I was part time obviously because I was an unpaid consultant, but yes, I was there and tried my best to be supportive and also tried my best to find somebody to replace me.

Q Okay. And then when was it that you went full time as chief of staff?

A I believe I went full time in May of 2009, it would be.

Q During the time that you were the unpaid consultant at the State Department, did you have any other employment at that time?

A Yes, I was part time at NYU.

Q Okay. So your leave of absence had ended?

A So with NYU I was part time. I was a consultant, so I was always part time. So NYU was stepping through a process of being able to establish a university in Abu Dhabi, and so that was the one matter that I was continuing to work on for the university.

Q Okay. And I just want to make sure that that I have this, but had you --

A So I was part time at the university and I was a consultant to the campaign and then I was still part time at the university and an unpaid consultant in the State Department.

Q Okay.

A Does that help?

Q Yes.

A Okay, good.

Q Yes.

And how long were you at the State Department as chief of staff?

A I was there until February 1st, which I believe is her last day in office.

Q And then --

A 2013, sorry, I should say.

Q Yes. And then did you have any role or work as a consultant for the State Department after that time?

A Yes. I was an unpaid -- you know, the unpaid part. I was an unpaid consultant and the Haiti Envoy, so I provided part-time service in our role and leadership on Haiti. So it was that transition

period to inspire that country that we were just as committed to them as we had been.

Q And on or after February 1, 2013, then what has been your paid employment?

A Right. So thank you. My paid employment is I have consultants that I give -- so I advise a couple of clients and that has been my paid income.

Q Okay. Have you had any other professional affiliation with either former President Clinton or Secretary Clinton?

A Could you elaborate more?

Q Have you served on any boards of the Clinton Foundation or anything like that?

A I do serve on the board of Clinton Foundation currently.

Q Okay. And had you in the past?

A Before I went into the State Department I had served on the board of the Clinton Foundation after I had left government from a long time ago.

Q Okay. And do you remember what those years were?

A I don't. Because I actually served on the board of the Clinton Foundation, the Leadership Conference on Civil and Human Rights, the National Partnership for Women and Families, and See Forever, which is a foundation that my partner and I founded for kids in the juvenile justice system. And I served on all of those, I think, at a similar time and then stepped off of them when I went into the State Department.

Q Okay. And then have you resumed your service on those boards after you left the State Department?

A I am on the See Forever Foundation and I am on the Clinton Foundation board. I now also have joined the board of BlackRock, which is a for profit.

Q Are there any other foundations or boards that you currently serve on?

A So I have a company that is building businesses in Africa and I sit on the board of my company, but other than that, no.

Q Okay. Are any of these boards funded by the Clinton Foundation, or are any of the organizations on which you serve as a board member funded by the Clinton Foundation other than the Clinton Foundation?

A No.

Q Like See Forever or --

A Oh, no, I see what you're saying.

Q Yes.

A They are independent organizations. They are not connected with the Clinton Foundation.

BY MR. DAVIS:

Q At the beginning of Secretary Clinton's tenure at the State Department, you said you were an unpaid consultant?

A Uh-huh.

Q Did she have a separate chief of staff during that time period?

A No, I was acting in that role, and I was basically an unpaid consultant helping to try and manage her transition in, so I was basically providing for the transitional support in. And during that time period we were seeking to identify somebody who could actually be a full-time partner, yeah.

Q Okay.

BY MS. JACKSON:

Q Ms. Mills, we're here to talk about the attacks on the U.S. diplomatic facilities in Benghazi, so I want to ask you about a series of questions about the night of the attack. How did you first learn that the U.S. diplomatic facility in Benghazi was being attacked on September 11, 2012?

A I learned that because staff in the front office of Secretary Clinton's office came in to say that they had just gotten reports that there was an attack on our compound.

Q Okay.

A That was probably like late afternoon.

Q Okay. So you were in the building and in the facility and in your office?

A Yes. The way our offices are set up, Secretary Clinton's office is, she has two offices. She has a front office that's a big, open area, that's the ceremonial office. There's then a back office. It's smaller, like about half the size of this room. And then behind that room is another office which is the chief of staff's office, which is supposed to make you feel good because you're connected, but it's

really teeny.

But at any rate, that's where my office was. And you could walk through those spaces so there was an interior door that I could walk through. And I can recall that at some point in that time period, either the Executive Secretary or the EA came in to say that there's an attack on -- there's an attack happening on our compound.

Q Okay. And who was the Executive Secretary at the time?

A The Executive Secretary was Steve Mull, I believe; and the executive assistant was Joe Macmanus. And it also could've been someone else, I mean, but it was in that -- her front office space she also had some assistants as well. But I do recall they were passing in saying there was an attack happening.

Q Were you in a meeting with the Secretary at the time?

A I don't believe I was in a meeting, but I do know that kind of it was -- we learned because there were a couple of people around -- and I can't even tell you who that was now, but I can remember being surprised that there was an attack on our compound and asking what's going on.

Q Okay. Because you said that they passed you a note, so were you in --

A So they came in with something which they were reading, so I'm assuming they were reading either an ops alert or something that they had. So that's my best kind of today recollection of that moment.

Q Okay. Do you recall, did they hand you that piece of paper?

A No. I remember more that they were reading from it, but

I could be wrong about that too, you know. I'm just doing my best.

Q Okay. And were you given any further details other than there was an attack on the facility?

A Not that I recall right now. I just remember them saying that our compound was being attacked.

Q Okay. Do you recall, was the Secretary with you at that time?

A I don't know if she had heard before me and was hearing it again. I just know that at the time I was learning it, she was also there.

Q Okay. And was that in her office or your office?

A It was in her office space.

Q All right. Who else do you recall being there other than yourself, Mr. Mull, Mr. Joe Macmanus, and the Secretary?

A So I don't know if Steve Mull or Mr. Joe Macmanus came in. I can't tell you which one of those it was or if it was one of the special assistants, So I want to be transparent about any memory in that regard. I don't recall. Like, I just don't recall. I don't recall if I was standing there talking and somebody came in or what the flow was, but I remember being in that space at the time when I learned.

Q Okay. What did you do once you had this information?

A Well, so we all immediately tried to do the same thing: Learn more. What's happening? How is it happening? Are we getting any more information? And that started the process of, the Department has an ops, an operation center and it also has task force that mobilized

when there is a crisis. And so they tend to become the focal point of information that is provided to the Department.

And so it is typically then that you are reaching to them or reaching to their supervisor to ask what they're learning. And I know that was kind of the rest of the night was trying to learn what the operations center was learning. The rest of the night was trying to reach out to learn if there were other places that were getting information that might help shed light not only on what was happening but how we could help.

Q And where is the operations center physically located?

A It's on the seventh floor. It's about 50 to 70 feet down the hallway from the wing where the senior leadership sits including the Secretary. It's outside of the SCIF, the wing that the senior leadership sits in is a hallway, that is all the SCIF. It's outside, so you have to walk outside the doors and walk about 50 feet. They themselves also work in a different SCIF, but they have a big space that they all operate out of.

Q Okay. And when you say the senior leadership of the State Department, can you give us an idea of who that encompasses?

A Yes. So if you were walking down that hallway, the senior leadership encompasses the Under Secretary for Political Affairs, who at that time was Wendy Sherman; it encompasses the Deputy Secretary for Management, who at that time was Tom Nides; it encompasses the Chief of Staff's office, the Secretary's office, the staff who support the Secretary's office or the Executive Secretary's staff.

And then it encompasses the Deputy Secretary for the Department, who at that time was Bill Burns, and their staff. And that is kind of if you were walking internally the pathway, you would walk by all of those different offices that are in that space.

Q Okay.

A They're not the only senior leadership in the Department; they just happen to be the senior leadership that's on that wing.

Q Okay. Is there any other senior leadership on the seventh floor?

A Oh, yes, there are. Most of the senior leadership of the Department -- or a lot of the senior leadership of the Department is on the seventh floor. So the Under Secretary, for Management is on the seventh floor. I couldn't tell you all the different ones that are there, but yes, there are.

Q Okay. So when you're talking senior leadership, are you talking the Under Secretary level and above or --

A The Assistant Secretary or above is what we deem our senior leadership in the Department.

Q Okay. And are there any Assistant Secretaries that are on the seventh floor?

A There might be. I don't -- you know, I don't know the answer to where everybody's office was, but yes is probably the answer to that question. But I would be guessing.

Q Okay.

BY MR. DAVIS:

Q You mentioned when you learned about the attack you were not sure if the Secretary had heard before or if this was the first time that she was learning about it?

A Well, so, yes, and I'm only telling you my impressions at the time. And so I don't know if somebody had just been in the moment before and this was a second person coming into say and this is what we're learning, or if that was the first moment somebody had walked in.

Q Okay. And what do you recall her reaction being?

A She was incredibly concerned.

Q Did you have any subsequent conversation with her immediately upon her learning of that --

A I mean, her immediate reaction, which is one that I think gets trained into you when you've been at the Department for a while is, well, what are we hearing from ops? What are we hearing from any of the other agencies? What are we doing to protect them? So it's, you immediately go into thinking about the different mechanisms you have both for information and help.

Q And how long did you remain with her after she learned this information for the first or second time?

A I don't know. Because I know that we all started kind of getting in motion. And it's so funny, because as I sit here, I don't know a motion towards every single thing, but I do know we all started trying to figure out, well, what could be done best and how we could actually help from this far.

Q Do you recall her giving you any specific instructions?

A I don't recall her necessarily having to give me any specific instructions. I don't know that that would have been something she would or wouldn't have done. If there was, I would have done what she would have asked. In other words, if she said --

Q Do you recall her giving anybody else any instructions?

A I know she had said, "Look, we have got to get more information. We need to get more information. We need to find out what we can do and what support we have." I know that she obviously placed a call to General Petraeus to learn what they might be learning. Sorry, I'm just trying to make sure I'm being thoughtful.

Q Sure.

A And also reaching out to make sure that the White House was aware this had happened. I think I might have also reached out to then the National Security Council at that time around that too, if I'm remembering right.

So there was a lot of activity to both understand what the status of our compound was and learn from other people either what they were or could do or what they knew.

Q So she wanted to place a call to General Petraeus?

A She did place a call to General Petraeus. I do recall that.

Q And do you know how long after this discussion that you're having with her took place?

A I don't know how long after. I don't have a sense of time, but I know that was one of the first things she thought about was to

reach out.

Q And you reached out to the National Security Council?

A Yes.

Q Do you remember who specifically you --

A I don't. I likely would have reached out to Denis McDonough because that's usually the person I spoke to. But I don't know that that's who I reached or who I connected with.

Q Okay.

BY MS. JACKSON:

Q And what different sources of information were available to you? I mean, how did you get information about the attack?

A So typically information gets centralized when it's coming in in a crisis situation through our operations team, just because they have a lot of people and a lot of lines out and they are usually placing multiple phone calls to their counterparts in other agencies as well as in the region.

And so that's typically one of the first organs of information, and then you have your own relationships that you might reach to, that are in other agencies to see if there's anything that's not being filtered into their operation centers. Just about every agency has that and they all talk to each other in realtime.

As well as reaching out, obviously, to your post, because while you're not trying to overwhelm them, which in crisis it's easy to overwhelm a post, because people respond to outreach or leadership or others, we try to basically ask then other agencies and our post what

are they learning.

Our bureaus obviously get information in real time a lot of times. And by bureaus, so this bureau was the national -- I mean the Near East Asia Bureau, so they would get information as well from people who were at post sending them things. And that information would also get centralized to ops and centralized to the Executive Secretary to try and make sure people were aware.

Q Okay. So when you say that the ops center would reach out to where the crisis was ongoing, someone would actually have been reaching out to the people you had on ground in Benghazi?

A Ops typically would reach out to any number of places. They're an incredible organization of people. I don't know how they do what they do. But they would also, to the extent they had the capacity to do that and our Diplomatic Security team also has its own operations team which would be synced up or linked up or operating hopefully in tandem with our main operations of the building, they would often be able to connect with them directly. And our Diplomatic Security team often has direct connectivity to their own agents and their own staff that are on the ground, separate and apart from what operations might have in terms of people.

So, I can remember when one of our pilots went down in Libya. Oddly enough, there was a guy who had heard of our operations center because he had worked as a consultant at some point for the government, and he just dialed up and says, "I have your pilot. What do you want me to do with him?"

So it is the place that people think about for information, and we were able to securely pluck him back out. But it is, I think, a relatively central repository but also has enough tentacles out that people connect them even in those kinds of odd situations.

Q Do you recall whether the ops center was able to establish a direct line to Benghazi?

A I don't know if the ops center was. I'm trying to recall. I know that it was obviously in the aftermath, we were looking at everything to try and understand what had happened and obviously provide responses to the prior committee, to you all. I believe it might have been that Diplomatic Security's operation centers might have been in a place to do that, but I'm just trying to pull back in my memory of what I learned after the fact as opposed to what I knew during the time period where it was happening.

Q And you said that this affected the NEA Bureau. Do you know if the NEA Bureau was getting any sort of like real time information from Libya?

A I do believe they were getting like emails from folks there and that was kind of stating what the state of affairs were. Either the email would say, you know, we just heard that they're under attack -- and that might have been coming from Tripoli, obviously, as opposed to Benghazi.

But I know they had emails that they were sharing and that the NEA team was also sharing in the process of information gathering.

Q Do you know if there were any direct phone calls with anyone

in Benghazi or Tripoli?

A I'm sure there would have been in Tripoli. I don't know that for certain, but I have to believe there were, and I'm just going on my memory now. But I have to believe that they would have been speaking to our DCM in Tripoli, because Tripoli was obviously not the gravamen or the site where everything was happening and so you would feel much better reaching to them because you know that you wouldn't be immediately disrupting everything.

Q Great. And do you know who that would have been?

A So in Benghazi at that time it would've been either the regional security officer, if he was at the post, and it would've been the person who becomes the acting Ambassador when the Ambassador is not present, which is what we call the DCM.

Q Would that be deputy chief of mission?

A Deputy chief of mission, that is exactly right. Which I am so happy if you do this because there are going to be a lot of acronyms I've forgotten what they stand for, so it would be great, if you don't mind.

And at that time the deputy chief of mission was a gentleman named Greg Hicks.

Q Okay. And who would the Tripoli folks be talking to at Main State?

A They could be talking to the operations center. They could be talking to their assistant secretary or the deputy assistant secretary who was assigned to their region or their area. They could

be talking to the executive assistant -- I mean, the Executive Secretary who runs -- who supervises the operations center. So there's any number of communication channels that might happen in that regard.

Q Okay. And who was the assistant secretary of NEA at the time?

A I believe Beth Jones was the acting. I don't know that she had been confirmed, so I think she was acting. But Beth Jones was providing the leadership, if I remember, at that time.

Q And who was head of the ops center at that time?

A So the ops center is run -- reports up to the Executive Secretary, who I believe at that time was Steve Mull. Is that right? Is my memory right?

Q Yes.

A Okay. Thank you.

BY MR. DAVIS:

Q Did you make any trips down to the ops center shortly after finding out about the attack?

A I might have. I went to the ops center a lot just because I used them a lot so I would do a lot of sucking up to them, bringing them cookies. But I don't know that I did or didn't. I know that at some point we ended up having a secure call with a lot of the leadership in the government.

And I remember that it was going to be a staff call and Secretary Clinton said, no, I'm coming too. And she sat in on that call when

we were engaged with folks from the White House and from other agencies, our intelligence agencies on that secure call.

Q And the phone call you mentioned, you believe it was Denis McDonough, because that would have been your normal practice to reach out to him?

A It would've been my normal practice to reach him. So if I didn't reach him, I would've spoken to whoever I reached.

Q Okay. The individual you spoke with, do you remember whether or not he or she had previously heard about the attack, or were you informing them for the first time?

A I just don't remember.

Q Okay.

A I don't remember.

Q Do you remember any other contents of that conversation you had with the NSC?

A No. I'm sure it would've been just to let them know, "Look, we have just gotten word that our" --

Q So it would've been brief. It wouldn't have been more than a couple minutes?

A Oh, no. Yes, it wouldn't have been more than a couple minutes, yeah. The sit conversation we had that evening, though, was obviously longer. It was --

Q Okay. We'll get to that in a little bit.

A Oh, okay. Good. Sorry. Didn't mean to get ahead.

BY MS. JACKSON:

Q So to follow up on a few questions from my colleague, you primarily stayed within your office or the Secretary's office that evening as opposed to transitioning down to the ops center?

A I don't know. The reason I'm saying that is it's not at all implausible that I might have done that for some period of time. But I also, when the Haiti earthquake hit, did the same thing. So I don't know whether or not I'm remembering myself sitting in there at this juncture or sitting there at the other juncture or both.

But there were certainly times where I would go down to the ops center and we would be trying to learn things and we would sit there for a little while, so we did.

But my best memory is being in our space, being in the, obviously, the sit room meeting that we had, which was down in the ops center. And so we were down there for a while for that particular meeting because that meeting takes place actually inside the operations center.

But I don't remember sitting out with the folks as they were getting information. I typically would come down and ask, "What are you hearing?" But most of the time there's nothing new you're going to learn because the moment they're hearing it they're trying to provide it out.

Q Okay. And how would they provide it out to you? Would they send emails? Would they --

A Sometimes they would send emails. Sometimes they walk down and give a readout. Sometimes they would call you and say, "I have a readout from X, Y, or Z thing." So they would use multiple methods

of just communicating. Or if you happened to be in the sit room doing the SVTCS, they would come into the SVTCS and tell you what the update was.

Q Among the senior leadership at the Department, who was all in and around your area managing the response?

A The night of, I think it was a little bit like all hands on deck, and so there were a lot of folks who were trying to be helpful. I think, in terms of who I can remember obviously being present, Steve Mull was present; our head of Diplomatic Security was present, Eric Bosworth; our Under Secretary for Management was present. I don't remember whether or not our Assistant Secretary Beth Jones was present, but I do remember her a lot. So I just don't know if it was that night or if it was as in the days that followed.

Bill Burns was also -- I was just trying to figure out if he was calling in or what his framework was but I know we connected with Bill Burns as well. Our congressional affairs was present, our leadership there. Wendy Sherman was present, but not the whole time, because she had one other matter she was managing at the same time, if I remember right. That's my best memory.

Q Okay. I'm going to show you some exhibits.

Ms. Wilkinson. Sharon, can we take a 20-second break?

Ms. Jackson. Sure. We can go off the record.

[Recess.]

[Mills Exhibit Nos. 1,2,3

Were marked for identification.]

BY MS. JACKSON:

Q All right. Let's go back on the record.

We have been joined by Congresswoman Brooks for the interview today. She has joined us.

Ms. Mills, I have put before you three documents that have been marked exhibits 1, 2, and 3. Exhibit 1 is an email chain that bears document number State SCB 0058670 through -- it's a five-page email chain. The date at the top is Tuesday, October 23, 2012, and it is sent to you and others. The subject line is, "Forward: Update 8, Second Evacuee Flight Is Wheels-Down In Tripoli (SBU)."

Exhibit 2 that I've put before you bears document number SCB 0060776. It is also an email chain dated Tuesday, September 11, 2012. It is to you and others, and the subject line is, "Forward: Attack on Benghazi. 09/11/2012."

And then Document 3 is another email chain bearing document number 0058012, dated Wednesday, September 12, 2012. It is to you. I see that your name is the second from the last in the "To" line. It's to you and several others. And the subject line is, "Re: Libya update from Beth Jones."

Let me ask you first as to these documents, have you seen them before, as to Exhibit 1?

A So I'm going to read it if that's okay.

Q In fact, why don't we just then go off the record and take a few moments and go through all three of them and then we'll ask questions about all three documents. Is that okay?

A Whatever is your preference.

Q Yeah. Let's just go off the record for a few minutes and give you as much time as you need to review these.

[Recess.]

BY MS. JACKSON:

Q Ms. Mills, have you had an opportunity to review exhibits 1, 2, and 3?

A I have.

Q Okay. And do you recognize these documents?

A I know they all came to me, and so they all are documents I would've seen when I was at the Department.

Q Okay. And would they have come to you on the afternoon and evening of September 11th and September 12th?

A All of them except for the one that's dated October 23rd would have come in that time period.

Q You would not have seen that before --

A No, I'm just saying I wouldn't have seen the October 23rd until October 23rd. The others I would have seen the 11th and 12th.

Q Great. Well, then let's focus on Exhibit Number 1.

A Okay.

Q On Exhibit Number 1 that is dated October 23rd, it contains a series of emails that are the -- if I could just summarize -- and correct me if I've summarized it wrong -- the initial alert to the ops center about the attack in Benghazi and a series of updates after that. Is that a fair summary of what this document contains?

A Very fair.

Q Okay. Did you see these ops center updates on the afternoon and evening of the 11th and on September 12th as they came in?

A I'm sure I either would've seen them or somebody would have told me that there was a new one. So if I wasn't sitting at my computer, I might not have seen each one as they came, but I know I would have known about them all as they were happening.

Q Okay. And then Exhibit 2, which is a September 11, 2012, email, at the top timed at 4:38 p.m., but the first email is at 4:22. Do you recall if you saw that? I see that you're on the "To" list. Would you have seen that on the afternoon of the --

A If I was on my email, I would have seen it. Though there was a lot of time that we were sitting in conversation, so people would have said, "Just want you to know, ops just sent out another report and here's what they're saying, that we're going to be able to get an open line."

So the way it works is if you're sitting at your computer, you get it. We can't have our Blackberrys in the area where we sit because it's -- well, like this. We have to leave it outside. So if you're not sitting at your computer at the moment the ops alert comes then you don't see it at that moment. But somebody else will likely -- and certainly at this time, our specials and everybody was kind of giving us realtime updates.

So the fact that I might not have seen it sitting at my computer doesn't mean that somebody didn't tell me. They told me usually in

real time.

Q Okay. And is that the same then for Exhibit 3, which is, the subject line is, "Libya updates from Beth Jones"?

A Yes, that would be the same in terms of how it might operate.

Q Okay. As to these exhibits, they talk about three sources of information that was available to you and others on the 11th and 12th: Ops center, DS command center, and updates through Beth Jones. Do you recall getting information from all three of those sources during the duration of the attack and afterwards?

A Yes, and post. Beth Jones was actually making reports on what the post was actually telling her.

Q And by "post," what do you mean?

A So the post is where our actual missions are located, so in this case it would be Tripoli. And so when I say "post," it means our Embassy in Tripoli which was relaying information that Beth Jones was then relaying.

Q Okay. And was it your understanding that, that post in Tripoli was getting real time information from Benghazi?

A It was my impression they were. I don't know if that is an accurate impression, but that was my impression.

Q Okay. Was it your understanding that the folks in Tripoli were communicating with the security agents in Benghazi?

A That was my impression.

Q Okay. Were there other sources of information out of Libya that was coming in to you and others that evening?

A Not as I sit here right now that I can recall, but I think we would have been trying to take information in from any source that seemed to be able to shed light on our team, how they were doing, and whether or not there was anything that could be done to help.

Q Okay. So do you recall anyone else or any other source of information that you relied upon to keep the Secretary informed or to make decisions -- to rely upon for decision-making that evening?

A My only pause is because obviously our whole intelligence apparatus is not part of the State Department who likely was sharing information with us as well, or at least that's my belief. And I don't know how that is captured in how you look at this, because some of that would be filtered through our operation centers as well. But that would be the only other place that, at least in my brain, I would be expecting that we likely would have also been getting information.

Q Okay. And these exhibits show a series of periodic updates throughout the afternoon and evening. Does this reflect about how often you recall getting updates?

A I feel like we were living in a constant state of update and that sometimes the information we were getting was accurate, then corrected, then accurate, then corrected or not. So it reflects the fact that there was a constant stream of information and updates. I don't know if it reflects the fact that every moment -- at least I felt like -- we were hearing more information about what was happening.

Q Okay. Throughout the duration of the -- well, let me back up and ask this question first: What do you recall about the duration

of the attacks?

A It felt like it was forever.

Q How late did you stay at the State Department that night or in the next morning?

A Until about 2:00, 2:30.

Q All right. What was the Secretary doing that night?

A She was there really late, and she was reaching out to her colleagues, and she was providing support to our team. It was a really hard night.

Q When you say she was communicating with your colleagues, you've talked -- was that General Petraeus?

A He's one of the colleagues. I know she ended up speaking to the President. Obviously not a colleague, he's her boss, but -- and to eventually, I think, also to Tom Donilon and others. Yeah.

Q Okay. Do you recall her asking for any support or other resources?

A That's what she was primarily doing is, what can we do? How can we try and assure if there is a way to see what's happening, help. I know that at some point they had over -- am I allowed to talk about that?

Ms. Wilkinson. I would just be careful.

Ms. Jackson. Why don't you take a moment and confer with counsel. We'll go off the record for a moment.

[Discussion off the record.]

BY MS. JACKSON:

Q Back on the record.

A So when asking for that assistance, some of that assistance would come from other agencies that might be able to put eyes on the compound, that was that night, as well as reaching out. We had our team reach out to DOD to ascertain what support they might be able to provide, either by way of eyes-on or other support that they had.

And obviously then our normal counterparts in the building who were colleagues and had relationships with their own intelligence counterparts in the different agencies.

Q Okay. So this intelligence that was coming in through the ops center, how was that coming in? Was it coming in in written form? Were there phone calls? Were there combinations?

A I don't know how it came in because typically I was in a place where people would tell me things. I don't live in that place anymore. They would tell me things. And so I don't know what was the vehicle by which they first gained that information.

I mean, ops is obviously a disseminator. So part of what they do is once they do learn it they share it, and I don't recall saying, "How did you get that information," or "How did it come to you?".

Q When the information first came in to you, what was your initial impression as to the nature of the attack, what type of attack it was?

A I didn't know. It was surprising just because our -- since I had been there, and we had not had a -- any of our compounds attacked, you know, like -- and what we had been experiencing in Cairo earlier

that day, where people were protesting and looked like they might be surging against our embassy was the first time where, at least I recalled, where our embassies were being targeted in a way where people were protesting or angry or attacking.

Q Were there weapons used in Cairo?

A I don't know the answer to that question, because honestly, this happened in about a 2-week period where a number of our embassies ended up being besieged by people who were able to breach our perimeters and get to our doors. In Khartoum they were able to do that, in Tunisia. There was also a similar attack -- if I remember. I might be misremembering -- in Sana'a, I know in Pakistan.

So I felt like that 2-week period we were spending a lot of our time on the phone with governments and pleading with them to make sure that they knew that they had obligations, they are to protect our embassies. And a number of them were very angry with us at the time because we have free speech, and in free speech in our country that means sometimes people do things that they think the government should be able to stop but we can't.

And so I do recall that period of time being one where there was a lot of intense attacks happening on our embassies. And I can't tell you from a weapons standpoint what everybody was doing or what they brought to each one of those.

Q Give me a sense within this 2-week timeframe where are the Libya attack, the Benghazi attack fell. Was it day one? Was it halfway through or at the end?

A It was at the beginning. It was at the beginning, yeah.

Q So you've mentioned Cairo, that happened earlier in the day.

A Yes.

Q Were there any other attacks or were there any other issues --

A Protests.

Q -- with your embassies overseas other than Cairo before the Benghazi attack?

A Not that I recall, but I -- and I might be inaccurate about that because I know there were a whole bunch of them for a period of time and where every day my day was sitting in the SVTCS as we were trying to figure out whether or not we were going to evacuate or not evacuate, whether or not the governments were going to deliver people to protect or not -- and sometimes that those could be protracted conversations -- whether or not we could put people in or not and in what way we could put them in.

And I remember this all starting around the period of time of the Cairo and Benghazi matters. So my impression is, is that that was at the beginning. I don't know if my impression is right, because obviously, factually people can go, look, there might have been something that happened the day before or otherwise, and I just wasn't as cognizant.

Q Okay. So your recollection is that Benghazi was on the front end of all of this?

A I believe it was at the front end. That's my impression,

yes.

Q Okay, good.

Could you just walk us through what you were doing that evening -- the afternoon and evening of the attack. You've talked about reaching out to the national security staff or National Security Council. Who else did you confer with within the State Department? What other interagency partners did you speak with? Did you direct anyone to do anything? If you could just, to the best of your recollection, walk us through what you did.

A I don't know that I have a clear recollection of that night anymore. I do know that I obviously was participating with my colleagues in trying to figure out what was happening and what could be done to secure our team. I know that Under Secretary --

Q Well, let me stop you there. Was there a core group that you worked with? Everybody does in an agency. You have a core group of people that you rely on or that you work with on a daily basis. Did you have one of those?

A So what was different about crises is that you obviously have subject matter experts that play particular roles in crises. So in this crisis, of particular import was our Assistant Secretary for the region, our Under Secretary and our Diplomatic Security. So those were obviously the most critical players because they were the connectivity to the events as they were happening.

Separate from that --

Q I'm sorry, but can I ask a clarification. You said the

Under Secretary. It's my understanding there are six under secretaries.

A Under secretary for Management, yes. Thank you for that. No, I appreciate that.

Q Okay. Uh-huh.

A And then in addition, you obviously, when it's a crisis, are working closely with the leadership of the operations center, who is the Executive Secretary.

The Secretary herself also has staff. I had two deputies, a deputy for policy, Jake Sullivan, and a deputy for operations, Huma Abedin. I don't recall my deputy for operations being present. I know that my deputy for policy was present.

Q And again, that was Mr. Sullivan?

A Yes, I think I just gave both their names, right?

Q Yes. Yes. I just want to make sure I got them straight in my head.

A Okay. Good. Yes. I believe you all are seeing him tomorrow. He started out as the deputy chief of staff and then he became the head of policy.

Q Okay.

A Yeah. So at that juncture, he had, I think, both, if I remember right. At any rate, so, and the executive assistant who provides support to the Secretary who was a career official, Joe Macmanus, also, I recall being relatively active and present.

Q Okay. You stated that when the crisis occurs you pull in

those subject matter experts. And I just want to make sure I understand correctly that those subject --

A It's not that you pull them in. They are the subject matter experts, so they become the focal point, if you will, of both information and advice because of their expertise.

So Beth Jones was the head of this region, and so she obviously would have the relationships and the information. And that's why it is not surprising for me to see emails that were directed to her from the post, which by "post" I mean Tripoli.

Diplomatic Security were responsible for protecting our Ambassador and our facilities. So they would also be logical conduits both for information and for expertise about what was happening on the ground. And the operations center, which accepts all the information, which is run by the Executive Secretary, would also be. So it's not that you're per se pulling them in and that's where, for better or worse, the action is. They are the natural hubs, if you will, for activity.

Q Okay. And then the other people that you've described, Jake Sullivan, Huma Abedin, the Under Secretary for Management, those were people that you worked with on a more regular, day-to-day basis on every issue?

A So the Under Secretary for Management oversees Diplomatic Security, so he also is like a subject matter expert in that context. Huma Abedin, I don't recall Huma Abedin being present that night. I could be wrong about that, but that's my best recollection. Jake Sullivan, who was my deputy and also was the head of policy, was present

that night.

Q Okay. Since Diplomatic Security is in charge of the security of your people and your facilities overseas, walk us through the conversations that you had with Eric Boswell or Patrick Kennedy, who was the Under Secretary over DS?

A So I don't remember specific conversations from that night just because so much was happening. I remember that part of what we were trying to learn was was there a way that we could learn what was happening on the ground, which is why, in my memory, I thought that Diplomatic Security was actually able to open the line as opposed to this email, which reflects that ops was.

Q And are you referring to exhibit number 2?

A I'm referring to exhibit number 2, which is an email that was sent by [REDACTED], who was at that time a special assistant to the Secretary. And it reflects information from [REDACTED]. [REDACTED] was in, if I recall correctly, Diplomatic Security. But --

Q And just to complete the record, this email reflects that, at the top of the page the second sentence is, "Ops is setting up a direct line with Benghazi, so we should have more updates soon." Is that the --

A Yes, that's the email, and it was sent from a [REDACTED] on behalf of the DS command center. And my best recollection was the command center actually set it up and then connected ops into the one that they had set up. But I could be wrong about that.

Q Is the DS command center physically separate from Main State building?

A Yes.

Q It's --

A It's not co-located. So the DS command center is also like an operations center, but it is simply for the Diplomatic Security management and issues that they have. The operations center is in Main State. The Diplomatic Security command center is in Virginia, so just right across the bridge from Main State.

Q Okay. And they had gotten information from one of the Diplomatic Security agents who was on the ground in Benghazi?

A Well, that's what this email reflects.

Q Okay. Exhibit 2?

A Exhibit 2, the one we've been discussing, yes.

Q Yes. Okay.

And just to kind of finish out the exhibits that you've looked at, if you could go to Exhibit 3 on these Libya updates from Beth Jones. Just describe for us what this document is.

A So this document is an email chain that starts at 4:49 p.m., on September 11th. And it was from one of the other special assistants to our Deputy Secretary Bill Burns, our Under Secretary for Political Affairs; the executive assistant and special assistants, Jake Sullivan; and Tory Nuland, who is our press spokesperson.

And it is a chain that then begins with updates that appear to be coming through the NEA Bureau, primarily being relayed by Beth Jones,

as I understand it, and she was then sharing this information for circulation among the leadership and others who had a need to participate and know how to help our team. It continues all the way through what appears to be September 12th, the afternoon of September 12th, East Coast time.

Q And does it seem to summarize a series of conversations that Beth Jones had with Greg Hicks?

A That's what it appears to do.

Q Okay. And do you recall seeing it or learning this information on the evening of the 11th and through the 12th?

A I recall learning this information. I don't know that I would've been sitting at my computer all the time as it was coming in, but I certainly learned this information. I would've seen it when I got to my computer.

Q And as you reviewed this information, do you recall that the information contained in here is accurate, as you learned it that evening?

A I recall that this is what I learned that evening, is a better way to say.

Q All right. You talked about that there was a interagency -- I call it a SVTCS.

A SVTCS, okay. I call it that too.

Q Which I understand to be secure video teleconference, SVTC. Is that your recollection of what SVTCS means?

A Yes.

Q Do you --

A I'm going to adopt that. I tried to ban all acronyms once I left the State Department because it's a very acronym-heavy Department. And I realized I was saying things like, "S said that if C did this, P is going to be upset and therefore L will never get what they need," and I thought, I should actually talk like a normal person with all of the full names of things. So but SVTCS works for me.

Q Okay. So describe who was on the SVTCS, why it was called, and what happened during the SVTCS.

A So the SVTCS was called because everyone was seeking both to exchange information and figure out how to coordinate resources to support our team.

Q And was this something that the State Department that you or the Secretary requested, or did the National Security Council request it? Do you recall how it originated?

A I don't. I don't know that -- I don't. I don't. But I know that all of us wanted to connect so I don't know if that was at the NSC's instigation, our instigation, or at someone else's. But we all ended up doing a SVTCS that evening. And I recall saying to the Secretary, "We're going to do a SVTCS to try and figure out what's the best state of information and what else we can do, and I will give you a readout." And I recall her saying, "No, I'm coming." And that was unusual.

So when the SVTCS started, I think staff wasn't expecting the Secretary to be on and she was on because she said, "These are our people

on the ground. Where else would I be."

Q Are there SVTCS with the principals or the heads of agencies that were different than what you were setting up that night?

A Yes.

Q Okay. Are they called something else?

A Typically, if there's a SVTCS with principals they note it's going to be with principals, mainly because they're trying to tell staff you need to not be present or you need to be sitting in the back row. But this was a SVTCS that we were setting up, which we knew was staff, and so that was who was initially on the SVTCS which she joined.

Q Okay. And who from the interagency was on the SVTCS? Tell us who you remember being there, and we understand there may be others too.

A My best recollection is Denis McDonough. I don't know who else was there from the other different agencies, because a lot of times our picture wouldn't show up so it's just voices. But the SVTCS was with us. I believe the SVTCS also obviously included the NSC. And I can't tell you what were the other agencies, but I remember there were other agencies that were a part of that first, small SVTCS.

Q Would there be some write-up or memorialization of what was discussed, the tasks that were issued? Is there some documentation?

A Sometimes there might be, but typically what happened when you were in a kind of crisis construct is they would be what are called due-outs, in other words assignments that different people had. And so our agency might have a set of due-outs, another agency might have

a set of due-outs. But due-outs, I'm spelling it d-u-e and then outs.

I don't recall kind of seeing per se the due-outs. I know we usually took our due-outs and made sure that the next time we were all together that we would speak to them. And we ended up doing a lot of SVTCS, obviously.

Q Great. Did you do more than one SVTCS on the night of the 11th?

A We might have. I don't remember. I remember one, but if there was another, I'm sure I would have participated.

Q Okay. And were there SVTCS in the ensuing days?

A There were. The SVTCS in the ensuing days were not only about Benghazi, they were also about the attacks that were happening on our other missions and posts in other countries.

Q If you could, walk us through the SVTCS.

A Which?

Q The first one on the evening of the 11th.

A I just recall that there was reporting on what we knew; whether or not there were any assets we could deploy that would be of assistance, be that what people could, you know -- how to create eyes-on or other things like that; and mainly also trying to ascertain what the state of affairs were, because there were two attacks that night, one that happened really in the early afternoon and then another that happened late at night. And so there was also just trying to get clarity of what that was and how there could be another attack in another location happening.

Q Okay. And was there a difference in the lethality of the attacks or the --

A I don't know how to answer that. I mean, in both places we lost two people, so I felt like they were both greatly --

Q What about the firepower that was used in the two separate attacks?

[9:40 a.m.]

Ms. Mills. In the first attack, our compound was completely overrun. It was physically overrun with people.

In the second, it is my impression that they were being attacked externally and that individuals who were seeking to defend were injured. But it is not my impression that they had per se breached the facility. That might be wrong, but that's my impression as I sit here today.

BY MS. JACKSON:

Q Do you recall that mortars were used in the second attack at --

A Yes.

Q -- the facility?

A Yes. Yes. That's right. They might have also been used in the first one, too, so I am -- but I do remember that one of our folks was harmed by a mortar.

Ms. Jackson. I have just been told that I am out of time for my first hour.

Ms. Mills. Oh, okay.

Ms. Jackson. So, with that, I will suspend my questioning. How about we take a 10-minute break?

Ms. Mills. Okay.

Ms. Jackson. Would that be all right?

Ms. Mills. Sure.

Ms. Jackson. And then we'll do a little rearranging. You get to keep your chair.

Ms. Mills. Oh, okay.

Ms. Jackson. We can go off the record.

[Recess.]

Ms. Sawyer. We'll go back on the record.

Ms. Mills, I wanted, before I jumped in, to give you a sense of what I hope to cover with you, at least in this next hour --

Ms. Mills. Okay.

Ms. Sawyer. -- just to give you a sense.

I will want to jump back in and ask you a few more questions about 9/11/2012, the day of the attacks in Benghazi, the protests in Cairo and difficulties there, and other regional issues.

I hope to then talk a bit with you about what happened in the weeks kind of immediately following, and then, to the extent we have time, have you clarify for us a little bit just the respective roles vis-à-vis policymaking, vis-à-vis oversight for day-to-day management of post at the end.

So it's an ambitious task that I've got for me, but I will appreciate your assistance in it.

EXAMINATION

BY MS. SAWYER:

Q You were asked, or you told the committee that you recall when you first learned about the attacks that you were with the Secretary. Did you know, prior -- at that point in time, did you know

at that point in time that Mr. Stevens, Ambassador Stevens, was in Benghazi that day?

A No, I didn't know he had traveled to Benghazi that day. But that's not unusual.

Q It's not unusual for you not to have known that he was in Benghazi that day?

A Yes. Yes. I mean, when our ambassadors travel throughout their country, they would be relaying that to their assistant secretary, but that's not something typically that I would be notified or aware of.

Q And what about the Secretary? Would it have been typical for her to know that Ambassador Stevens was in Benghazi on that day?

A I don't know that that would have been typical. If there was some big event that was happening, so if there was something that an ambassador was going to a different part of their country to host something or announce something, you might know that that's going to happen because you're doing amplification work back. And by "amplification work," I mean other things to help announce and support and bring attention to the diplomatic or foreign policy objective that you're trying to achieve through that event.

But, otherwise, I don't know that it's typically the case that you -- that she would know or be apprised in our system that so-and-so is going to be in this part of their country.

Q And an ambassador traveling, and particularly traveling within their country from an embassy to a post or a temporary mission

facility, would not need to seek approval from anyone in Washington, D.C., would they, to travel --

A Correct.

Q -- to that post?

You know, there have been some allegations that Mr. Stevens, Ambassador Stevens, was in Benghazi that night at the direction of someone in Washington, and often the allegation is that possibly at the direction of Secretary Clinton.

Did you have any sense or any reason to believe that Ambassador Stevens was in Benghazi that day at the Secretary's direction?

A No. I actually also had not heard that, but no.

Q You described and I think in a way that gave us a really nice sense of the efforts that you and your colleagues were making to gather information as quickly as you could, determine what resources might be sent to help personnel on the ground. And you had described some of the sources. And I think you initially started by describing is there a mechanism for information, mechanisms for determining what help.

If you can, it would be helpful -- it feels to me that if I were in that position it would be somewhat frustrating, in the sense that you would want, certainly, to be reaching out in all manner of direction; at the same time, there are mechanisms, and you don't want to interfere, necessarily, with allowing those mechanisms to operate smoothly, efficiently, particularly in crisis.

So can you give us a sense -- I got the sense that you felt your

role was to reach out to colleagues at your equivalent level -- that would have been someone like Mr. McDonough -- to try to make sure that you were gathering information from him, sharing information. So can you kind of describe that dynamic?

A Yes.

As a general matter, the Department, because it is such an established institution, has people who have been doing their jobs for many, many years in many different roles. And so they have the capacity to be experienced in something that might feel like a first time for those of us who are only serving for a period of time as something that has happened before and they can draw on those lessons and have built systems that help them navigate them.

The operations center is one of the outgrowths of that -- in other words, creating a mechanism where both information could flow but also people could reach out from, and people who were being reached out to would know that they were speaking for the Department as a whole and seeking to give information to everyone in the Department as well as the Secretary.

So it is our most established mechanism, if you will, for information flow and for also being able to access people. So, even if you're in the bathroom, ops will find you. And you're like, "Really, are you outside my stall?" And they'll be like, "I'm sorry. The Secretary is looking for you."

But they really do their jobs incredibly well. And they do them well because part of what they do is have a very single-minded focus

about how do we gain information and how do we disseminate information, and that is their mandate.

Those of us who are not in operations, depends on what role we might be playing. If you are the assistant secretary of a region, your role is to be the conduit and decisionmaker with respect to not only information but directions and other needs that might be present in a particular circumstance, situation, or decision that needs to be made.

And so the regional bureaus also operate quite succinctly in that fashion, and you'll always see the Under Secretary for Political, who they report up to, as well as the Deputy Secretary -- in this case, Bill Burns -- typically in that same construct of both communication and decisionmaking and information-sharing.

Separate from that, it is the case that certainly I enjoyed a position that allowed me to reach to counterparts in the government who might be in leadership roles that you can ask, "What is your principal doing?", or you could actually reach to their principal.

And so, if there were things that either our team felt like they needed -- you know, "I've been talking to the person at the White House, and this is not happening" or, "I've been talking to the person at the White House, and they want this to happen" -- you might then be able to reach to your counterpart to either be able to provide additional support or give additional information.

So, typically, my engagement would be to counterparts that I had to be able to ensure that we were doing everything we could to facilitate

the outcomes that our experts in our team knew needed to happen or that we saw from our own experience in what was going on should be addressed.

Q And that, those mechanisms, that process, the way of sharing information, amassing resources, certainly sounds like something that is relied upon and used in emergency situations. It also sounds like it could be used to describe the day-to-day running of the Department, in the sense that the regional bureaus are responsible for oversight and work with the posts in their region, and that's a mechanism for information from there. Operations center is continuously gathering information all the time about posts. And it is, I mean, accelerated, obviously, and people are working incredibly hard in a crisis, but is that also fair to say?

A That is fair to say. That is fair to say. I would say that is accurate.

Q And then, just in a general sense on that night, did you ever get the sense that anyone slowed down in their efforts to gather information and amass resources and support or, you know, in essence, took their foot off the gas at any point in time during the night?

A No. No. I think everyone was trying to do their very best, and I think our security folks were particularly trying to do their very best, not only to find our Ambassador when he couldn't be found, but also to provide security and support for those people who were under attack.

And I think, certainly, when you're millions of miles away, you feel relatively helpless, but it is certainly the case that everyone

knew that our colleagues were in danger and, if there was a way to extricate them or support them, that that's what we needed to do.

Q If I could have you take a look just for a moment at exhibit 1, which was introduced in the last hour and discussed, and that was some of the reporting that came out of the operations center.

And I just wanted to get a sense from you, as these reports were coming in -- and I understand you may not have seen them in the moment they came in. So I want to use them just as a general gauge, not to say that you learned this at exactly the time stamped on there, but to get a general gauge of kind of how that was reflecting how people were feeling and what they were doing.

So, just starting with that first thread, which is on the last page, it seems like the potentially first -- an initial or a first report that comes out. And it says, "Regional security officer reports a diplomatic mission is under attack. Embassy Tripoli reports approximately 20 armed people fired shots. Explosions have been heard, as well. Ambassador Stevens, who is currently in Benghazi, and four Chief of Mission personnel are in the compound's safe haven. The 17th of February militia is providing security support."

So, at this point in time, this operations cable indicates that the Ambassador is on the compound, in the safe haven, and there is support, security support, from the 17th of February militia on the way.

Do you recall getting that, the initial sense about where the Ambassador was, whether he was secure at that point in time -- granted,

the concern about whether he would remain secure -- but what that initial reporting looked like?

A I do remember that the initial report indicated that he was there and that he was in a safe haven. And I think -- remember in my own head thinking, well, what does that mean in this instance?

But I know that, at least when you first heard the first report, you knew that they were being attacked, that they -- at least, it felt like they were in a place where they were at least secure for the moment.

And my impression at that time was just the surprise of our compound being attacked in the way it was, just because that was something new for at least me. It might not have been for people who had been at the Department for a long period of time, but, for me, it was the first time I had really been cognizant of an instance where our compound was actually being breached and attacked.

Q So, at that point in time, certainly, there's a sense that the Ambassador is on the compound; still, I would assume, concern about what might further happen at the compound in terms of compromising his safety, compromising the safety of the other individuals there. Is that accurate?

A Yes. Yes. I mean, I think, look, my impression at that time was that he was on the compound with others, that he was in a safe place. And when they said that the attack had stopped -- I'm just telling you my own impression -- I thought, "Okay, well, that's good. You know, now maybe people can get evacuated and we can figure out what we need to do."

That was my impression. And that impression obviously changed dramatically when they said that they couldn't find our ambassador and that we had someone who had been injured and who had then subsequently died.

Q And do you recall roughly when that happened, the sense that the Ambassador is missing and there has been, you know, a fatality?

A I just remember it being several hours after the first reports, and I can't tell you exactly what time that would have been. But I know that we had learned -- I learned that evening that Information Management Officer Sean Smith had died, and that was kind of shocking. I can just remember feeling shocked by that.

And, at that time, I can remember they couldn't find our Ambassador, but there was this sense that he might be sheltering someplace and that's the reason why he didn't know it was safe to come out or something like. That's my impression. That might not be accurate, but that was just my impression as I reflect back.

Q So, certainly, still hope, some optimism that the Ambassador would be found --

A Yes.

Q -- safely. Concerns, again, that resources, any resources available be amassed to support personnel on the ground?

A Yes. Not only resources that might be amassed but also resources from the other facility that was there to provide support, as well.

Q So, in terms of -- obviously, there's different avenues of

support. Some of them are in-country --

A Yes.

Q -- as it were. So, to the extent that there were things that you or others with you could do in terms of reaching out to people in the Government of Libya, was that happening?

A The Secretary reached out to the government. So, too, were others reaching out, both on the ground, if I recall, in Tripoli, and it might have been the case that also the Assistant Secretary or her team was doing the same thing. But, candidly, everybody was trying to reach to whatever asset or individual or government partner who they thought would be able to help secure our people and ensure their safety.

Q And do you recall whether you were with the Secretary when you learned that the Ambassador could not be located?

A I don't recall if I was with her when I learned that. I do recall learning that. I recall talking with her about that. And I just don't know if we learned in the same moment or if I learned and ended up speaking to her or the reverse. But I do recall having -- you know, fretting with her and worrying about what were the different avenues we might have to be able to locate him and whether or not enough was being done to try to do that.

Q And when you had that discussion and you were concerned and fretting about it and wondering if enough was being done, were there any concrete steps that you or the Secretary then took to ensure that, to the extent possible, everything was being done?

A Apart from, obviously, all the outreach that was going on,

I can also remember there was a phone that the Ambassador had that was not his phone. And so people were trying to see whether or not there was activity associated with that phone, because if there was, it might mean the Ambassador was someplace -- so I remember that.

I might have a mis-memory and I might be collapsing something, so I apologize if I am, but I remember that being also one other avenue of trying to figure out how to locate him, separate and apart from, obviously, the outreach that was happening through DOD, the outreach that happened through the agency that had another facility that was there, our intel, CNSC, and how we could best both deploy and assess what was going on.

Q And there was a discussion about a SVTCS that occurred that evening.

A Correct.

Q Do you recall if the SVTCS -- with regard to what your recollection is about when you had learned, was that SVTCS convened and called at a point in time when people knew that the Ambassador was missing and not, potentially, in the safe haven and located?

A I don't recall. I obviously knew we knew we hadn't been in touch with our Ambassador, and so that would suggest at least an awareness of that. But I don't know that I can tell you contemporaneously now what my knowledge was. I don't even know if we knew at that juncture -- I don't think I did -- that Sean Smith also was endangered and had deceased. So I think this was in the before period, maybe. But I'm giving you my best impression right now, and

it's years later. So I'm doing my best, yes.

Q And whether or not you knew at that point in time when you were in the conversation on the SVTCS that the Ambassador was missing versus still in the safe haven and the death of Mr. Smith, did you have any sense during the SVTCS that there was a lack of urgency about addressing the safety of our personnel in Benghazi from anyone in the interagency?

A Quite the opposite. It was really a conversation about what else can be done, is anything being missed, is there any other opportunity, asset, avenue, information that we could take or deploy. And so it was very much almost -- I'm a military brat -- but almost military, in terms of X, Y, Z. Have we done A, B, C in terms of trying to step through the different avenues.

Q And do you recall whether -- you had mentioned and you talked a little bit about the incident in Cairo, the protests in Cairo, and the breach of the embassy in Cairo -- earlier in the day unrest that started occurring throughout the region in that SVTCS or maybe any other conversations at that level that night? Did any of the other regional unrest factor into the picture? Was it discussed at all?

A Certainly in the SVTCS that we had in a 2-week period, that was often the case, obviously, because we were running through each one of our posts that were being threatened.

The night of the 11th, I'm confident, given that there were also things happening in Cairo, that there would have been conversation about was our facility secure, were our people secure. But I'm

assuming that. I don't have a specific memory of that as I sit here right now.

Q But, certainly, your overall recollection is that, as the attacks were happening, as the protests in Cairo and the breach of the wall of our embassy in Cairo was happening, that very much a part of the conversation was the unrest in that region and how that might impact the safety of our personnel on the ground?

A That is correct. That's correct.

Q So, moving briefly to -- you described yourself as a military brat -- just your visibility into the military response on the night of the attacks, did you have any kind of operational role with regard to reaching out, giving information, talking to the military experts who were determining how and when we could and should respond?

A I remember the military was actually -- we did reach out to them, and I can't tell you if it was me or someone else. But we did reach out to them, and they were very responsive. In my mind, I am thinking about a gentleman named Sandy Winifred, but it might have been others. And they were very both responsive in identifying what they could do and how they could do it.

And so my impression was one of support from DOD, and my impression generally was one of support from all of the agencies, but some agencies have more capacity than others.

Q Did you have any visibility into the decisionmaking that was going on in terms of deciding what assets were potentially

available, when and if they could deploy, how long it would take them to get to Benghazi? Did you have any visibility into any of the information that was coming in or the decisions that were going out?

A If that information was discussed in the SVTCS and I was in the SVTCS, then obviously I had visibility into it. I don't remember it per se, but I know that I would have had visibility because, being in the SVTCS, I would have -- we would have then heard and learned and also then shared what our own needs and observations were.

My sense was that conversation was an ongoing conversation, quite candidly, for 2 weeks because we have so many of our embassies that were being threatened. And so the number of times I was in conversation with Sandy Winifred or someone else was not infrequent, because we were often trying to understand what we could do in Tunisia, whether or not we could get people, and what we needed to do in Khartoum, different places where our embassies were being attacked.

On the night in question, I'm confident we would have had conversations regarding how best they might be able to support us.

Q And do you recall, both on that night and potentially in the days following, there being concern that there might also possibly be an attack on the embassy in Tripoli?

A Yes. Our embassy there, I believe, had information or there was data that suggested that they might be a target, as well. And so part of what we were trying to do was shore up that post by sending in additional support or asking support to stay that was there. I cannot remember which at that juncture, but I know that we did shore

up the support that was there.

Q And in any of the conversations that you had, did you -- first, did you have any visibility into Secretary Clinton's engagement with the folks who were gathering the information and making the decisions with regard to our military assets and military response? Did you have any visibility into that, her role there, her conversations there?

A In a SVTCS, she was obviously -- I had visibility into her articulating that we needed to do everything we could and what did that actually translate to could be done.

In terms of other conversations that she may or may not have, I don't know that I was present for all of them. But it was my experience that she was, obviously, not only on the night of but as we were looking down the road on other instances, frequently either calling leaders or negotiating for our people to go in -- in one instance, we had to do that, and they had to go in a particular way -- and also having conversations, in some instances cajoling, in some instances demanding that these countries protect our facilities. And that went on for about 2 weeks, as a number of these attacks were happening.

Q Right. And so, certainly, in her role as our chief diplomat, she was reaching out to any and all of the countries where there were problems and, as you put it, cajoled, demanded, certainly pressing for them to do everything they can and reminding them of their obligation to do everything that they could to make sure that our personnel in their countries were safe. Is that fair?

A That's correct. And then, obviously, the White House would have -- their own SVTCS is at a principal level, where they would navigate and negotiate through what that means for what -- given what permissions we might have gotten from those countries, how we could also use our military assets, how we could use any other assets that we might have to be able to provide support for our teams that were on the ground.

Q And in terms of that outreach to the host nation, the --

A Yes.

Q -- country where our --

A That's fair.

Q -- why would she be reaching out to them? I mean, can you explain to us kind of that relationship and the obligation that America has -- I mean, the obligation that countries have, that we have, certainly, to other countries who are here in the United States and that, when we're in other countries, those countries have to us? Can you just -- and how that works and helps us to operate?

A Well, I think, you know, certainly, for me, one of the more surprising things when I came to the Department, because I wasn't -- because I grew up in a different context, was that all of our embassies and consulates are protected by the countries in which they reside. So our military is not a part, typically, of the security elements of our embassies and our consulates.

Instead, in giving agreement, which is an agreement to take an ambassador and have a facility there, they are agreeing to abide by

a set of conventions and rules which include the obligation to provide security for those facilities.

So, in instances where those facilities are threatened, rather than being able to call up to our military, unless they are co-located, we have to call up to the host nation. And so our diplomats operate in these countries at that invitation but also under the protection and expectation that that nation will live up to their obligations of protecting our diplomats and our development experts who are there.

So, when there is a breach or an attack or a potential harm on one of our facilities, the Secretary of State's role in any administration is to be the counterpart to ensure that that nation lives up to the commitments they make. And sometimes that's politically hard for the governments there, because they are going against their own people, sometimes for a reason that might seem complicated - which this, apparently, in this instance, was one of those -- but nonetheless that's the commitment they made.

So you often had to cajole or demand or do all kinds of other encouragement, because, in some ways, they might be doing that which was very politically unpopular in their country or potentially unsafe.

And that's the Secretary's job. She has to protect her people, and she has to ensure that they know that that's their obligation. And if they're not going to live up to it, she has to tell them that we're going to then take care of our people in the ways that they need to, and they've got to figure out how to navigate that, but we're going to send our people in to protect them.

Q And with regard to that issue of host-nation support, you know, one of the things the Accountability Review Board that was convened, as required by law, to examine the attacks did note was that, with regard to Libya and given the ongoing efforts in Libya to establish and get a government up and running, the ultimate ability of the host nation to provide immediate support was not what one would have wanted on that night.

Did you get a sense, in the run-up to the attacks and the, you know, year before the attacks, that that issue was being ignored?

A No. But I would also note that I don't know that I had a lot of visibility into a lot of the different both weaknesses and frailties and the issues that were leading up to the night of the attack.

But it is my impression, obviously -- because I have the benefit of now looking at a lot of the information after the fact, the ARB and other things -- that it was not being ignored, but there were, I think, as the ARB found, a need for stronger security and a need for a better protection for the folks who are on the ground. And I think that is one of the really hard lessons learned, because I think that assessment was a deliberate one and found that as a frailty in what happened that night.

Q And you indicated that you certainly didn't have the nitty-gritty information about -- and that's my term. You didn't use it, so I apologize. You can certainly characterize it. You didn't have the granular details about the particular security situation.

You are the chief of staff. The Secretary is, of course, one

level higher. Did you have the sense that she had the granular details about the security, the staffing for security in Benghazi, how many DS agents were allocated to that post, what kind of perimeter security they might have, how many sandbags they might put around a particular window, how many guns they had on compound, and the details of the relationship between the individuals in the compound and local guard support? Did you have the sense that she had the ability, the time to have that level of granular detail?

A I don't know that she would have had that level of granular detail. I also know when she obviously testified she spoke to the fact of what her knowledge was and what her understanding was, and, obviously, she's a better spokesperson for herself than I could ever be.

But, in terms of the level of new information that certainly we've gleaned through the ARB and else-wise, those are things that I think became more aware through that process. But that's not surprising because I don't know that that's typically things that would filter in the same way just in terms of the building's day-to-day operations.

Q Sure. And, to me, that loops back to the conversation that we a little bit started with, which is the Department having mechanisms both for information and help. And I asked you then whether that not only applied in a crisis situation but with regard to the day-to-day operation of the State Department.

So, with regard to those types of details, we have learned quite a bit, and I assume you at least have some sense of the fact that there

are entire bureaus dedicated to and responsible for making sure and trying their best to understand those granular details.

You've indicated, certainly, on the night of the attacks, you felt like Diplomatic Security did everything it could. Would Diplomatic Security and the regional bureaus have been -- the regional bureau here being the NEA -- kind of have been the mechanism within State to have done the assessments in the day-to-day overall pulsing of both the embassy in Tripoli and the temporary mission facility in Benghazi?

A Those are the two bureaus who would be closest to that information and who would have had day-to-day engagement with decisionmaking in those matters.

Q And, then, to the extent they were engaging with individuals in your office, one of your deputies, who would that have been?

A So, for policy matters, that would have been Jake Sullivan. So he would have been -- as decisions were being made about what our policies and operations per se, when it came to policy issues, were in Libya, it would be likely that he would be included. I can't say he would always be included, but it would have been likely that he would have been included in those discussions. Certainly, as discussions were had around Libya as a policy area, he is the person who I would have expected them to have included.

Q And what about Ms. Abiden? Would she have been someone who would have been included in those discussions?

A I would not have expected her to be.

She would have been included in those discussions when the

Secretary took a trip to Libya. She managed, obviously, travel and all of the different operational elements associated with the Secretary's travel to different places, and so she would have had engagement on Libya when the Secretary traveled there.

But in terms of kind of the policy decisionmaking around our mission and the issues there, I would not have expected her to. I'm not saying she didn't; I'm just saying what my expectations are.

Q And, in answering my questions, you've focused on policy decisionmaking. Shifting a little bit to security assessment, the allocation of security resources, who, if anyone, in your office would have been kind of responsible for those kind of assessments and decisions?

A Those kinds of assessments and decisions wouldn't typically come to my office unless there was some issue that somebody decided to raise. As a general matter, the Under Secretary for Management would have managed the security-related issues.

To the extent it was a larger budget matter that might mean whether or not we were getting our budgets or not getting our budgets from Congress, that might happen with our Deputy for Management, who had accountability as we allocated the budget to ensure that we were allocating our resources effectively.

Q And do you recall -- and I've moved away a little bit from the night of the attacks.

A Okay.

Q But we are covering the other ground that I was hoping to

cover.

A Okay.

Q Do you recall whether, in the time period from the decision to continue the presence in Benghazi, which occurred in December 2011, until the night of the attacks -- you said issues would only come to you on security-related, you would expect, on security-related matters unless there was a particular reason. Do you recall any issues related to the temporary mission facility in Benghazi, security at the temporary mission facility in Benghazi being raised to you, first, between the time period of January 1, 2012, through the night of the attacks?

A No. But that's not surprising because, obviously, we have a lot of posts and a lot of issues, and I don't know that they would have thought that I could have helped them anyway. But as a practical reality, no. But it's also not surprising.

Q Right. I think Secretary Clinton has described her job as kind of a three-hatted -- I think she says it's like being the CEO of a company, a chief policy-maker for the United States, as well as the face of America for the United States. So, understandably, I can't recall -- and we've been looking at this now -- the number of overseas posts, but I understand what you're saying.

Focusing, then, just for a moment, I said January 1, 2012, forward. A decision was made in December 2011 to continue with the reopening of Embassy Tripoli, to continue the presence in Benghazi and maintain the temporary mission facility there. Do you recall that

decision coming up through your office to you? And we can ask --

A No.

Q -- Mr. Sullivan, obviously.

A But I didn't -- it didn't. But I do recall when we were seeking to make a determination as to whether or not we would, you know, send an ambassador back, my recollection at that time was, because our ambassador -- because of WikiLeaks, our ambassador was not very welcome. And so, because I ended up engaging on a lot of the WikiLeaks matters, I remember at that time that our ambassador had to come out.

I don't recall many of the engagement around the decision in December of 2011 that you're speaking about with Benghazi, but it wasn't, probably, in the same category as when our ambassador had to come out.

Q Right. And, just to be clear for the record, you're referring to Ambassador Cretz, who --

A Yes. Ambassador Gene Cretz, who had been the Ambassador there. And, unfortunately, there were cables that had been shared, and some of them, I think, were more frank than the current leadership of the country was comfortable with.

Q And then Ambassador Stevens ultimately succeeded him as the Ambassador.

A He did. He did not immediately succeed him. There was a period of time between them.

Q And then, just for a moment, back to that decision in December of 2011 to continue and maintain a presence in Benghazi, do

you know and to the best of your knowledge, was the Secretary aware of or involved in that discussion and decision?

A I actually don't know. She might have been, but I don't know that. I don't believe she was, based on just what I've seen, but I don't know that. So there might be people who would have engaged in that conversation, but I don't know.

Q So, back to the night of the attacks, you had indicated, you know, the work that was being done and communications with regard to a military response. And we talked a little bit about the Secretary's engagement with the host nation and what she was doing with regard to trying to amass and cajole and wheedle, potentially, any support there.

With regard to our own military assets, did you ever convey any message that indicated that the U.S. military should not fully engage and do whatever it could to assist our people on the ground?

A No.

Q And what about the Secretary? To the extent you had any visibility on that, did she ever do anything to indicate that our military should not fully engage and do whatever it could to help our personnel?

A No. She was pretty emphatic about wanting whatever to be done and whatever were assets that could be deployed, if that was both effective and possible to be done.

Obviously, it was a challenging environment, given that our compound had been overrun. And so you want to ensure that, as you also

are thinking about who else might go in, how they are able to do that effectively. But my observation and impression and, obviously, engagements were around what can be done, what can be sent, and how can that be done best. There was not any notion of not doing that to the fullest amount that was practical, effective, and possible.

Q So, understanding that that decision about military assets and when they're sent and which assets is not one to be made by the State Department, it was certainly your experience that, in every conversation and in every way, that both you and the Secretary did urge our military to do, certainly, whatever it could in their best judgment and with the resources that were available?

A That is my impression. And it's also my impression that that's what they sought to do. I mean, we never felt unsupported by them.

Q Did you ever get any sense that they were failing to also take into account, in addition to Benghazi, other potential problems -- the potential attack on the embassy in Tripoli, whether there would be further unrest in Egypt or anything throughout the region? Did they allow that to fall under the radar as they were focused on Benghazi?

A Our military?

Q Yes.

A That's not my impression at all.

Q So they were fully aware of all of the potential difficulties and doing everything they could to make sure that they

were going to be able to get help to people wherever it was needed to the greatest extent possible?

A Yes. I felt like our military were really great partners. And I say that because they both thought about what needed to be done, shared what could be done, helped think through what were other avenues. I felt like they were good partners.

Q So I just want to return now to a little bit earlier in the day and talk to you a little bit about the protest in Cairo. So if you could just shift your thinking to a little bit before what we've been talking about, the night of the attack and more broadly.

We've talked a little bit about it, but if you could just explain to us a little bit, when you heard about it, what was your understanding of why people were protesting?

A We had been dealing with incidents that were arising out of hostility that a number of people and leaders in the Middle East felt toward a video that had been produced by a gentleman, I believe from Florida -- I could be wrong -- and their surprise that our government wouldn't shut them down or in some way not allow that to happen. Because I think there's just not a fulsome appreciation of free speech and how our Nation operates and what those freedoms mean, as opposed to those meaning that that's per se something our government is trying to pursue.

And, as a result, there were a number of protests and attacks on our facilities because of that incident. And I can even recall an instance where there was -- and I'm not going to remember who was the

government that said, you know, "You want us to protect your people, and you can't even stop a video."

But there was just this sense that we had created an offense as a nation, as opposed to as a country that has individuals who have freedoms and rights to be able to express their views. And that meant that our embassies became a focal point for the frustration and anger and what they saw as our country's disrespect as opposed to the views of an individual, and that meant our embassies were therefore besieged.

Q Do you know when -- well, if the Secretary was aware, as well, of those protests in Cairo?

A Yes.

Q And was she also aware -- the way that you're explaining it is that, not only with regard to the protest in Cairo but more broadly speaking, there had been a lot of engagement with leaders throughout the region to try to address anger they were having about -- I think you even referenced in the first hour, you had said, "They were angry because we have free speech." And I took that at the time to mean what you just explained, that they don't understand, necessarily, and are not appreciative of the fact that, because of the way in which America honors and safeguards and values free speech, the government can't or won't, necessarily, what they wanted, shut down a video.

Was she also aware of all that engagement?

A Yes. That was happening, obviously, throughout this. And different embassies were affected differently by the people in those countries based on how they were reacting. And sometimes that was what

they were reacting to; sometimes they were reacting to something else altogether. It was not always transparent what was the catalyst. But, in some instances, obviously, it would be more evident than others, based on how people positioned themselves when they were attacking our embassies.

Q And then, just in terms of trying to situate it, not on a kind of exact timeline but just to get a sense --

A Okay.

Q --- I mean, the protest in Cairo and then the attack on Benghazi coincided, as well, with the anniversary -- it was 9/11/2012 -- the anniversary of the attacks on the World Trade Center of 2001.

The concerns that were coming up, the unrest that was coming up, did that, from the best you can recall, kind of all start on the 11th? Had it started in the days leading up to the 11th?

A I don't remember. It might have started in the days leading up, quite candidly. I can't remember when the video was first posted or, actually, when people first noticed it. I don't recall that. But I recall that, in this time window, that was one of the other factors that was obviously affecting the security of our teams on the ground.

Q Okay.

And I'm going to show you now what we're going to mark as exhibit 4 for identification purposes.

A Okay.

[Mills Exhibit No. 4

Was marked for identification.]

BY MS. SAWYER:

Q I will give you a minute to take a look at that and read it. I just wanted to ask you a couple questions about it. But it bears the identification number down at the bottom of 538 --

A Are all three exhibit 4? Or am I supposed to be giving copies? Sorry. I apologize.

Q All three are copies of exhibit 4.

A No, these are all for me.

Q As well it should be.

But it bears the document identification number 5389820. It's a two-page document. I'm going to give you a moment to take a look at that, and then I just want to ask you a couple of questions about it.

A Thanks.

Q So do you recall seeing this cable around -- well, let's first establish what it is, and maybe you can probably explain it to me better than I can explain to you.

From my reading of it, it appears to be certainly an unclassified SBU cable. It has the date of September 11, 2012. It's from Secretary of State, which, you know, down at the bottom has the electronic signature of the current Secretary, which is Secretary Clinton at the time.

What is your understanding of what -- could you just explain what this document is?

A So this document is a cable that is advising our post of, one, the fact that there has been a video released that has created protests in Cairo; and, two, advising our post that they might want to convene -- I think it's called an emergency action committee, but it is our -- each post has a set of designated partners who are part of the government, our government, to look at what they need to do to ensure that the security status and apparatus is in place for something that might be out of the ordinary.

This is flagging that there might be protests that are out of the ordinary and reminding people to assess their security posture and take any steps that they think might be necessary to ensure the security of their facility.

Q And do you recall whether you saw this on September 11, 2012?

A I don't recall seeing this on September 11th or 12th, but I might have. I don't recall it.

Q And do you know if the Secretary happened to have seen it?

A I don't know if she would have seen it contemporaneously or not. I know that we were obviously on the other side of the issue, so it might have gotten created out of the fact that we knew this was happening in Cairo and we should be ensuring that everybody is on a little bit of alert. But, quite candidly, our career officials would normally operate that way, based on their long years of experience there, and would have ensured that same action, whether or not it was requested or not.

Q Uh-huh.

And in what's numbered 2, in the body of the cable, it begins that paragraph by saying, "In response to the upcoming release of a controversial film entitled 'Muhammad's Trial,' hundreds of demonstrators converged on the U.S. embassy in Cairo on September 11, 2012, with a number of protesters breaching the compound."

So that cable says there -- and it seems to reflect our conversation earlier -- that the Cairo protests were in response to a film.

A Correct.

Q What was your understanding, just in a general sense, of kind of what that film was about?

A I genuinely never watched the film. My impression was that it was deeply offensive to those of the Muslim faith because the faith leader was being treated disrespectfully or being sentenced, if you will. But I honestly never have seen the video.

Q And when you referenced the faith leader, for the Muslim world, that would be the Prophet --

A Muhammad. Yes.

Q -- Muhammad. And so the reference to a film about Muhammad's trial.

The rest of that paragraphs does reference Pastor Terry Jones. You had indicated you thought there was a connection with a -- I think you said a pastor in Florida. Is it your recollection that that was Pastor Jones?

A That's correct. His name is Pastor Jones. So this refreshes my memory of his name and that, at least as I understood it, there had already been elements of this film already on the Web that people were seeing.

Q And do you recall whether this was the first time that Pastor Jones had come to the State Department's attention?

A No. He had come to our attention before. I can't tell you how long before, but he had something -- he had similarly had a video or a -- I believe he might have been burning the Quran. I just don't recall. But, in any event --

Q Your recollection is not bad.

A Okay, good. At some point, he had engaged in other acts against the Muslim faith, and so he had come to our attention before. And he had, on one prior occasion also, potentially put our teams, I think at that time in Pakistan, but in other places at risk, and we were concerned about the impact of his actions.

Q So, certainly, at the time this is all happening, there was an experience with this very pastor that had previously put our people on the ground in danger.

A Yes.

Q And this cable is an effort to alert. And how widely distributed is this cable?

A This would go to all of our posts.

Q So all posts overseas, everywhere.

A Yes.

Q To alert all personnel on the ground of the potential concerns related to the film and Pastor Jones' showing support, promotion of it. Is that fair?

A That's fair. It would go to all our posts, and it would obviously alert them of the potential impact that it might have in different countries.

And, candidly, over the 2 or 3 weeks after September 11, there were a number of attacks or protests on our embassies, and they were all over the world. They were not just in the Middle East.

Q Yeah, I recall seeing, when I saw a State Department bulletin -- not contemporaneous, more recently -- that there even had been an incident in London --

A In London.

Q -- at an embassy.

A Australia. Very surprising places. But that might be my own parochial expectations of where someone might be affected.

Q And just directing your attention to the next point down, you mentioned that there was the recommendation of post convening -- and you explained the EAC, emergency action committee, to potentially consider steps.

And, certainly, as I read that paragraph -- and it begins with, "Violent extremist groups could use Pastor Jones' recent statements and actions as motivation to target U.S. interests overseas" -- that they're obviously reflecting here the concern that the video might be used by extremists to encourage or, in essence, target -- encourage

people to target U.S. facilities overseas.

A That's correct. That was the concern that this cable was seeking to both raise and also encourage the amelioration of potential outcomes that might be harmful to our teams.

Q And this reflected a real concern, a real concern that was actually based on prior actual experience where there had been personnel, U.S. personnel, put at risk because of actions deemed offensive in the Muslim world regarding the Prophet Muhammad.

A Yes. And, indeed, in the prior incidents, we had people who were very vulnerable. And I can, you know, recall my impression being that there was a need to, one, create the appreciation of that, but, two, also see whether or not there were other steps that could be taken to limit the impact of these types of videos and their accessibility on the Web. That's my best recollection.

Q And when you say "limit the impact," in terms of that concern, certainly I would imagine that you all were at least beginning to talk about and probably already had taken steps to try to find a way to help tamp down, quell, calm the unrest in the region. Is that accurate?

A That is accurate.

Q And what are the types of things that you were contemplating and doing to try to accomplish that goal?

A Well, in addition to obviously trying to use our traditional channels of diplomacy, which means that the Secretary would be reaching out to her counterpart and we would then have everybody down the line

reaching out to their counterpart to share that, to the extent there was unrest that was related to the video, that this was not a reflection of the position of the United States Government and that we wanted to ensure that they both understood that and fulfilled their obligations to our teams on the ground.

But we also look here at home to see whether or not there were ways to limit the visibility of these videos on the Web or limit the access to them so that our people on the ground were not at risk, or that we were limiting the risk that they were under. Because we don't -- as I said, we have to rely on the host nation. We don't have our own security forces to protect our diplomats.

Q So, to the extent this unrest was continuing, certainly, as of the 11th of September 2012 and in the ensuing weeks, there was a really urgent and serious need for the government to be discussing the video in the context of the unrest that continued -- that had been happening and was continuing to happen, and that need was to help ensure the safety of our personnel on the ground. Is that fair to say?

A That is fair. I mean, you know, look, I always -- I've learned now to treat every country differently, which was a good education for me when I went to the State Department. And so each country might experience not only this video but anything about us differently, and so you had to be cognizant of what were the unique issues or concerns of each country.

But it is the case that more than one, the gravamen of the unrest that they were seeing in their citizens toward us, there was more than

one for whom this video had managed to be used as a mechanism to incite their ire toward our country.

Q I think my time is up, but I just wanted to finish with just a final question. You know, understanding that this context -- and this has been very helpful -- and just returning to where we began, which was more focused specifically on what you were learning, how you were learning it, and what you were doing when you heard about the attacks in Benghazi, with regard to that effort, the information you were trying to gather, the work that you were trying to do, on that night, as that was all happening, was the focus there on what happened before the attacks?

A No. The focus there was on what could we do to secure our people and to secure the safety of everybody who was on the ground that night.

Q Thank you.

Ms. Sawyer. Off the record.

[Recess.]

[10:58 a.m.]

Ms. Jackson. I have a minute or two before 11, so we are going to go back on the record for the next hour of the majority's time. And I believe that Congressman Jordan had a couple of followup questions from the last hour.

Mr. Jordan. Ms. Mills, you indicated that the Ambassador didn't need approval to travel to -- well, frankly, no Ambassador needed approval to travel, with all their duties -- but did you know that he was going to travel to Benghazi on September 11th?

Ms. Mills. No. And I should clarify, if I was inaccurate. I think when Ambassadors would come home from posts, they would actually seek permission to be out of their posts, but in their country they would be able to travel around. So I apologize if I left that misimpression.

Mr. Jordan. Did Secretary Clinton know that the Ambassador was going to travel to Benghazi and be in Benghazi on September 11th?

Ms. Mills. I don't know.

Mr. Jordan. Okay. Thank you.

BY MS. JACKSON:

Q Okay. Ms. Mills, if I could direct your attention back to Exhibit 3 that you have before you, which is an email chain with a subject line of: Libya updates from Beth Jones. We talked a little bit about the sequencing and the timing of when you knew what. And I wanted to go back to this document to see if it helped put things

in order.

If you could go to page 3 of this document, a little more than halfway down is a section -- an email part of this longer chain that is Tuesday, September 11, 2012, at 5:32 p.m. from [REDACTED] to a whole group of people. And that update says, and I quote, "The fighting has stopped, DCM Greg Hicks just confirmed to me. He also confirmed one fatality, Sean Smith, a TDYer from the Hague, has died. His body has been recovered. The five ARSOs are accounted for, but they're still trying to find the Ambassador. The principal officer's residence is still on fire with toxic smoke." End quote into the first paragraph.

Does that refresh your recollection as to the time of day it was when you would have received an update that there was one fatality already, the Ambassador is missing, and there's fire in the principal residence -- principal officer's residence?

A It certainly confirms for me that it means -- because I think the SVTCS was later that evening -- I would have known that Sean Smith was deceased. I can't tell you when I would have seen this, but somebody would have definitely told me. So that does help me at least understand that for the SVTCS I would have known that we would have had one person who would have died.

Q So even if you didn't see this particular email chain, someone would have personally come and informed you of that?

A Someone would have told me. And it certainly would be the case if the SVTCS, when I'm thinking it was in the evening, I would

have known at that time.

Q Okay. And then if we go up a little further, we actually have to go back to page 2 to see that the next email chain -- the next section of this email chain is at 6:58 p.m. from Beth Jones. But I want to go all the way down to the bottom because the first part of it talks about Tripoli, but the very last section of this, which is then on page 3, it says, and I quote, "In Benghazi: Greg is working with the COS to make sure he is aware of reports that another mob has gathered in Benghazi and headed for the -- redacted -- compound. They will ensure extra protection there, too."

Do you see that?

A Yes.

Q Okay. And would you have received this information if not by email, by someone else, about that time -- about 7 p.m. on the night of the 11th?

A I assume I would've. I don't know that. I assume I would've.

Q Do you recall that you had both of those pieces of information before the SVTCS, which was at 7:30 that night?

A No, I don't. But I'm sure I would have known about Sean Smith's death. What I don't know is if I would have known that there was yet another team on the way to -- or not team, but another group of mobs on the way to the other compound that was there. Because my memory was that that attack happened later in the evening. So that is the reason why I am answering you the way I am. I thought the attack

on the second compound happened much later.

Q And I believe it did happen in time, but I'm just asking if you had the information that they had at least the intel that there was going to be a follow-on attack, not that it had actually occurred.

A I can't imagine they wouldn't have told me, but I can't tell you sitting here that I knew.

Q Okay. And so if this information came in before the SVTCS occurred, you believe that you would have had that information before the SVTCS?

A If I was aware of it before the SVTCS, then yes, I would have had it before the SVTCS; yes.

Q Okay. And who all participated in the SVTCS from the State Department?

A You know, I don't remember. I do remember that our diplomatic security was present. So that would have been I believe either -- I believe it would have been Eric Boswell, who was our Assistant Secretary at that time. I believe that Pat Kennedy would have participated, who was our Under Secretary for Management. I believe that Jake Sullivan participated.

I know the Secretary came down, because that was a surprise for some of the other agencies, that she was on. And I cannot tell you who else was in the room, but I know that there were other people in the room as well.

Q Was Beth Jones in the room?

A She likely would have been in the room. She likely would

have been.

Q And obviously she was the one that received this information from Greg Hicks.

A Yes, she did. Or at least the traffic would suggest that.

Q And all of these other people that you mentioned -- Eric Boswell and Patrick Kennedy and Jake Sullivan -- they were also recipients of the updates throughout the evening?

A Correct.

Q Okay. So --

A As was Wendy Sherman. And she might have been there, too; I just don't recall.

Q She was the Under Secretary for Policy?

A She is. For Political Affairs.

Q Political Affairs.

A Yes.

Q Okay. So for the 7:30 SVTCS, at least one of those people or multiple of these people would have had this information that there was at least some intel that there was going to be a follow-on attack.

A Yes. The way I would actually, if I were being accurate for how you expressed it, is that this -- I would have imagined -- because often people were in meetings, so they weren't sitting at their computer -- that our operations center or others would print copies and often would place them at your table in the SVTCS.

So it is plausible that this might have been placed at the table as this is the latest information; or, while we were sitting there,

somebody would walk in and say, Here's a copy of the latest information.

So I want to make the distinction between being at your computer, because that night most people were in motion as opposed to at their computer. So most things are being said to people or placed down on people's tables to answer the latest information.

Q During the timeframe of the time period of 5:30 p.m. to 7:30 p.m., from the time you would have received some sort of notification that you had one fatality and the Ambassador was missing and the time of the 7:30 SVTCS that night --

A 7:30, okay.

Q -- what were you doing? The Secretary called General Petraeus. You said you had reached out, I forget to whom. But what all were you doing? Who were you reaching out to in the interagency?

A I don't have a perfect memory of everybody who I was reaching out to or, for that, much memory of that night, just because it was a lot. But I do remember that once we knew there was a fatality, that we also had to reach out in our Department to consular affairs to understand and learn about Sean Smith's family and how to notify and what would be then the requirements of how to step through that process and who to notify.

So that would have been one more other activity that would have been happening that evening. And I can't tell you at what time that would have been, so I can't put it between your 5:30 and 7:30 period. I know that, obviously, to get to a place where we were on a SVTCS with the multiple different agencies that would have been represented, it

is quite plausible that I had reached out to some of those agencies as well, but as I am sitting here right now, I can't tell you who I had a conversation with.

Q Well, given that the agency was affiliated with the other facility, do you recall talking with anyone from the CIA?

A I don't. But I would have recalled them by name as opposed to by agency. And I acknowledge that right now. So as I am sitting here, I am trying to think there was one gentleman that I used to talk to there whose name I'm blanking on. So I'm trying to remember whether or not that night --

Mr. Davis. [REDACTED]? [REDACTED]?

Ms. Mills. I did talk to [REDACTED], but not that night, to the best of my recollection. I think I talked to [REDACTED] later. It was another person.

BY MS. JACKSON:

Q Was it Mike Morell?

A I don't think I talked to Mike Morell that night either, but I did on other occasions talk to Mike Morell, obviously.

Q About Libya?

A Yes, yes. After this event. Obviously, prior to the deaths of our team there, I hadn't had occasion to deal with Mike Morell.

So I don't know who else I reached out to or who else I would have been talking to as I sit here right now. I genuinely don't have a good recollection.

Q Did you talk to someone from DOD?

A I think I talked to Sandy Winifred. I think I said that earlier. And he's at DOD. I can't confidently represent it was in this time window, but I know that I did have conversations with him when we were trying to understand what we could do for our people.

Q Did Secretary Clinton talk to Secretary Panetta?

A I don't recall if she had a separate conversation with him. Because they were all in real time in other ways. So I don't know the answer to that question. She would know that. I don't know the answer to that one.

Q They were in real time in other ways. What do you mean by that?

A In other words, they always had regular meetings that were going on. So to the extent that the President had had either a meeting or otherwise they were having engagements, they might use those other natural meetings to talk. I don't remember any that evening. I don't know if they had had one earlier in the day or early the next day that would have put them in a conversation. I just don't know.

Q Did Secretary Clinton request that military assets be deployed?

A She actually on our SVTCS -- which obviously had the presence of a number of different agencies, of which I believe DOD was one -- said we need to be taking whatever steps we can, to do whatever we can to secure our people.

And I can remember that someone from the White House said that the President was 100 percent behind whatever needed to be done and

we needed to do whatever needed to be done. And that's, you know, that's what he would expect, but it's also what was said.

Q But in that timeframe --

A And so she was on that SVTCS and did speak to the need to see what assets could be deployed for our team. And I believe in that SVTCS, also DOD would have likely been a participant.

Q Do you recall who from DOD was participating?

A No. That's what I was trying to recall. But I don't.

Q Does the name Jeremy Bash ring a bell with you?

A Jeremy Bash I believe was the chief of staff at DOD. It is quite plausible he might have been on the SVTCS, but I don't know that so I don't want to make a misrepresentation.

Q Did you reach out to him independently of the SVTCS?

A It's quite plausible that I could have.

Q But you don't recall.

A I don't have a specific recollection, but is quite likely that he would be my counterpart and I would reach out to him.

Q Did you -- either during the events or after the events -- memorialize the events as they unfolded -- and your actions? Did you keep any type of log or journal regarding that, either personally or professionally?

A No. No. I didn't.

Q Okay. Would there be any other type of record of the calls that you made; like did you make calls through the op center or did they place calls for you or would you have dialed direct? Would there

be --

A Ops would have any records that I placed through Ops. And I acknowledge being an over-user of Ops. But I also would dial people directly if I had their number. So it just depends on whether or not they happen to be someone whose phone number I knew and could dial them directly or I needed Op's assistance to be able to reach them. But Ops does keep a log of calls that were placed.

Q Okay. So now as we've established the sequence and the timing of events, the first notification comes in around 4:00. You are notified by 5:30 that you have a fatality and the Ambassador is missing. By 7:00 there is some intelligence that the other facility may be attacked. And then you have this SVTCS at 7:30.

Before the SVTCS occurred, what other interagency assets had been deployed or were in the process of being deployed, to your recollection?

A To my recollection, I don't know, because I can't time sequence things the way that you're asking, only because my memory doesn't have the timing committed to them. As I said, I do recall there being a request for assets to get eyes on, as I would call, and that that request was honored.

I recall after the Secretary's outreach to General Petraeus, that to the extent there was any support that could be offered in country from other teams that might be present, that that also was something that was at least already underway.

In terms of any other kind of activity or deployment or other

things, I don't have any particular recollection right now as I sit here, but happy to be, you know, refreshed.

Q Just to circle back for a minute; when you would receive these updates, whether you saw the emails, someone put a piece of paper, or came in and told you personally, would the Secretary have been receiving that information virtually either simultaneous with you or virtually at the same time?

A I don't know the answer to that, in terms of how she received it that night, but typically one of the things that the staff and the Department do a very good job of is giving the Secretary real time information. So when it happens. The reason the special assistants are copied on here is because they sit right outside of her office. And so they often then can be a conduit for sharing that information relatively quickly. And they, sadly for them, are tied to their desks. So they are always seeing things as they arise. And so I would expect that they would be sharing that. I can't tell you that they always did, but that would be my expectation.

Q Other than the Secretary's trip down to the Ops Center for the SVTCS, was she in her office from the time you were first notified of the attack until she left the State Department that evening?

A I believe she was largely in her office space. I don't know that she didn't maybe walk down to one of the other Deputy Secretaries and have a conversation or something, but it is the case that at least my memory is that she was on the seventh floor for that entire evening.

Q And monitoring the situation?

A Sure. That's why she was there. I was just saying physically where she was, in terms of your question.

Q And how late did she stay that evening?

A I don't remember. She was there pretty late, but I don't remember what time she left. But, you know, [REDACTED] so they would probably be a better reflection than I could've of what time she left.

Q Okay. When you had the SVTCS that night, who spoke on behalf of the State Department?

A The Secretary.

Q She did? She led the discussion?

A Well, I don't know to say if she led the discussion, but certainly it is the case that when the Secretary is on a SVTCS with staff, then, you know, you are appropriately considerate of their obligations and responsibilities.

So each agency was stepping through what they were doing and where things stood. She would have spoken for our agency, and then we would have filled in other information or responses to questions, if they were posed, if we had the specific information.

Q So what did the military report that they were in the process of doing? Where were they in the deployment of assets?

A I just don't know the answer to that question. I mean, as I sit here, I don't know where -- I have a much better memory of us than I do of others, and I just don't know the answer to that question.

Q Would there be some memorialization of this SVTCS? Were

there note takers?

A So my experience of our SVTCS is there were typically -- well, I said this before -- due-outs. And so there would be assignments that typically the NSC would assign out. I don't have any other experience of seeing anybody else's notes or a formal write-out of the SVTCS or otherwise. Those might have happened and I just didn't either see them or don't remember them.

Typically, what I remember is what were our due-outs; we've got to do X, Y, and Z, and he would make sure for the next SVTCS you had done your due-outs.

Q Okay. Was FBI on the SVTCS?

A I don't recall them. They might have been, but I don't recall them.

Q Do you recall taking any steps to reach out to the FBI or try and get FBI in country to respond?

A I don't know that I have a memory of the FBI being in country in Benghazi that night -- or in Tripoli.

Q Did you take any steps to try and get FBI into Libya?

A That night?

Q Or ask that they respond. Yes.

A That night?

Q That night; or, at least get them deployed.

A I have more of a recollection of us reaching for DOD than I have a recollection of us reaching for the FBI. That could be my best recollection.

Q I believe that you said in the last hour that the Secretary reached out to the Libyan President?

A I know that she reached out to the Libyan Government. Likely, I'm assuming that would be the President. And I know that she reached out to press for support for our team on the ground, yes.

I don't know what time that was. I just want to be honest with you. You're putting times because you probably have the benefit of timelines in all the records. I don't have the same real time recollection of how things happened in terms of time.

Q Okay. Were you an observer or a listener to her conversation with the person from the Libyan Government she reached?

A I don't know if I was. I don't believe I was that night, because I believe I would have been doing something else. But that's only my guess.

Q Do you know who would have been with her that night as she made those calls?

A Well, typically, when the Secretary makes calls to leaders, there's always the front office staff are present. And they will actually, if they have been asked, will take notes from that particular conversation.

Q Okay. And so the Ops Center would have some memorialization of that?

A It's actually not the Ops Center, it's actually -- oddly, it's the special assistants that you have seen copied on these. It's typically the special assistants who would be on. I'm not saying that

the Ops Center might not also have someone on, but typically it would be the special assistants.

Q Okay. During the SVTCS was the use of the FEST discussed?

A Not that I recall. As I understood the FEST team, which I later came to learn, is they are a team that helps reestablish our embassies when we have moved them out. And so I think there was a lot of confusion around FEST teams as opposed to our Marines, who were obviously FAST teams. It's hard to keep these separated.

And I don't recall conversations around the FEST team. That's not to say it didn't happen -- because I know there was a lot of conversation around FEST-- but I don't recall that happening at the SVTCS that night.

Q Isn't FEST supposed to be a quick reaction deployment for crisis response?

A So my understanding -- but I might be conflating two things -- is that they are actually established -- they help you reestablish your embassy when your embassy or your teams have been -- aren't present.

So when you go in, they can help establish communication, they can help assess what might be your needs operationally. That's my best memory, but I acknowledge that I'm pulling on a pretty old memory.

Q Outside of the SVTCS was there any internal discussion about deploying the FEST?

A I know that there was someone who had served on a FEST team who felt like the FEST might be able to be helpful. I didn't learn

that that night. I learned that subsequent in the process of kind of stepping through what happened that night and how could we avoid this ever happening again. I don't have any real-time understanding or experience of those sets of discussions, to the extent they were happening.

Q Do you know who made that decision that night that the FEST should not be deployed?

A No. And didn't know that there was a decision that the FEST shouldn't be deployed, per se. But I don't have a -- no is the answer to your question.

Q Did you later learn that? That a decision had --

A That's what I'm trying to remember when we were going back through all of the understandings of what had happened that night. And I just can't pull that from my memory. But I do remember this being one of the issues that got looked at.

Q I'm going to hand you what has been marked as Exhibit 5.

[Mills Exhibit No. 5

Was marked for identification.]

BY MS. JACKSON:

Q And what Exhibit 5 is, for the record, is a printout of a State Department publication describing the Foreign Emergency Support Team, or FEST, and it's from the State.gov Web site. If you would just take a moment to look through that.

Are you done?

A Yes.

Q Okay. Exhibit 5 -- and I'll quote the first sentence of this. It says, "The FEST is the U.S. Government's only interagency on-call, short notice team poised to respond to terrorist incidents worldwide." It goes on to say that "the FEST deploys overseas to advise, assist, assess, and coordinate U.S. Government crisis response activities. The operations directed at the Department of State's Bureau of Counterterrorism leads the FEST." And then it goes on to talk about all the agencies.

This document also says that the FEST assisted in the aftermath of the East African bombings, it responded to the USS Cole, and it was also used in response to abductions in Ecuador and the Philippines.

This is different than what you've described as the FEST -- as what it does.

A So my understanding of the FEST and what my description speaks to is that the FEST was specifically deployed, as I understood it, after incidents had occurred as opposed to in the moment. So at least as I understand the FEST and the description here about how they operated in both East Africa and Cole, that would at least be consistent with my understanding.

What I didn't have an understanding of is that they would deploy in the moment of a crisis. And so I think that is where your questions are going to. And that wouldn't have been my understanding at the time. That doesn't mean I was right or wrong; it's just telling you my own understanding.

Q So when you and the Secretary and others were discussing what are our options, nobody within the State Department said, Well, we have the FEST, we lead the FEST, we can deploy the FEST?

A So I don't know that nobody did that. So that might have occurred.

Q Did it occur during the SVTCS?

A I don't recall a discussion of the FEST team during the SVTCS. That doesn't mean it didn't occur simply because my memory is however many years old and, sadly, I'm getting old, too.

But my understanding of the FEST team was that in instances, particularly in East Africa and other places, that they come in and are able to help navigate how you respond after an incident has occurred, help establish communications, and help what I would say shore up what typically has been a damaged, harmed post or location.

So that was my understanding. But my understanding obviously is limited by my own knowledge. There are other people who are experts who would have opined and made judgments about what should or shouldn't be done and how it should or shouldn't be used, because they worked at the Department and know those things certainly better than me.

Q And would one of those experts have been Patrick Kennedy, the Under Secretary for Management?

A I would imagine so. Because I'm looking at the components of this and I imagine that the diplomatic security probably plays a role in this. So I do see it is really counterterrorism, and that might have meant Daniel Benjamin, who was the head of it. But given Pat

Kennedy's long service at the Department, I would expect that he would be somebody who would be knowledgeable about this.

Q I want to step back for a moment to whether you contemplated or reached out to the FBI. And I've handed what what I've marked as Exhibit 6.

[Mills Exhibit No. 6

Was marked for identification.]

BY MS. JACKSON:

Q It is an email exchange from you to Steven Mull, Patrick Kennedy, Eric Boswell on September 11th at 7:03 p.m., and the subject line is Re: Forensic team to Benghazi.

And I'll give you a moment to take a look at that.

And for the first email of this, it's from Steven Mull to Patrick Kennedy, you, and Eric Boswell. And it reads: "Per Cheryl's request to me just now to ascertain whether we could arrange for a forensic team to make it to Benghazi as soon as possible to investigate the burned building and possibly search for any remains, we're reaching out to FBI Ops to ask whether they would have any such resources to do so. Will report back."

And I note that Mr. Mull's exchange to you and others is at 6:53 p.m.

Do you recall this occurring?

A I don't recall that occurring, but that does help me understand why I don't recall myself reaching out to the FBI, either. So I don't recall that occurring, but I am confident that in reading

this that I would have likely have asked him to do exactly what he would have represented -- not actually to provide protection for our people, but to actually, hopefully, conduct an investigation that would help us learn who attacked our people and what evidence we might glean from that to be able to pursue them.

Q At the time that the 7:30 SVTCS occurred, were you under the assumption or impression that a military response had already begun?

A I can't tell you an impression that I have as I sit here right now. My only overarching impression is that the military was responsive as we engaged with them, but I can't tell you what I would have thought or not thought about what was actually happening.

Q Can you elaborate on what you mean by they were responsive. Because that could be a variety of things. Were they actually deploying?

A That's fair. So the Secretary or others would ask for what can be done. And they were articulating and outlining what options might be available and what was not available, given where they had assets currently in the region. And so when I say responsive, it was my sense that they were collaborating in the process of trying to ascertain what can be done to help our teams on the grounds there in real time.

So as distinct from this email, which is post the facts of what could be done, when I'm talking about what DOD could do in real time, it was my impression they were looking at what they could do to actually

help in the moment of the crisis.

Q At any point between the time that you were first notified of the attack, until you were notified early the next morning that all of the personnel had been pulled out of Benghazi, did you ever learn or were you under the impression that the military was in the process of deploying to Benghazi?

A I just honestly don't remember as I sit here now. I know that there has been a lot of discussion around what role the military played or didn't play or did or didn't do, but I honestly can't tell you as I sit here right now. I can't take myself back to that night to pull on my memory, if you will, to know what I thought about what they were or weren't doing.

BY MR. DAVIS:

Q On Exhibit 6, which is the email from Mr. Mull to you and Mr. Kennedy and Mr. Boswell to ask you whether or not you could get a forensic team to Benghazi, the email was sent at 6:53, the SVTCS I believe was at 7:30. Is this something that you discussed on the SVTCS with the other interagencies?

A I don't recall doing that.

Q Is it something that Secretary Clinton, since she was speaking on behalf of the Department, is this something she would have mentioned during the SVTCS?

A I don't know. I just don't recall the nature of any conversations in that regard. That's not to say it could have occurred and didn't occur; I'm just telling you my memory.

Q The concept here to send a forensic team to Benghazi, Mr. Mull says it's per Cheryl's request.

A Yes.

Q Was that your idea to send the forensics team in?

A I'd love to say yes. I don't know that one way or the other.

Q Who would you have been talking to around this time?

A I would have been talking to everyone who was kind of looking at this crisis and how might we figure out what had happened. And particularly once we were apprised of Sean Smith's death, would have wanted to ensure that there was the opportunity to preserve any evidence for how you might pursue those who did it. But I can't tell you now that that was an independent thought of mine or that somebody gave me that thought. I don't have a memory of it.

Q You mentioned earlier -- you said the Secretary was around the Department most of the evening. She might have gone down the hall to visit one of the deputies.

A Yeah.

Q Were you in the office on the seventh floor all evening as well?

A I was there until late, yeah.

Q And what was the nature -- how frequently did you interact with the Secretary? You mentioned you had adjacent offices. Was it a constant information flow between the two of you or were you doing your thing and she was doing her thing?

A So I think everybody was in a bit of an information sharing

mode. So there was even a little more more informality than you might have normally on a given day of people walking into each other's offices and walking into the Secretary's office.

So my impression was there was kind of constant back and forth of people in each other's office sharing information, trying to learn more. That is my impression as I sit here.

Q So when you learned Ambassador Stevens was missing, is that something you shared with the Secretary?

A I think -- I think we all learned about Ambassador Stevens being missing. So I don't know that I had a moment where I shared that per se, as opposed to all of us just feeling the weight of what that meant.

Q Sure. But were you all in the same room at the same time when that information was shared or did you learn it prior to the Secretary learning it?

A I don't know. Because I think when I read the emails that you all have shared with me, it suggests that there was kind of simultaneous sharing of this information with a broad group. And so she would have likely been getting that information at the same time, because the special assistants are on there. I could have told her, or anybody else who was reading these at the same time.

So my impression would be she would have been learning it at the same time -- either I would have been in the room or I would have said that we just got something that came across -- or her special assistants would have

Q So you had spoken earlier about actions you had taken, actions the Secretary had taken when you learned that the facility was under attack. How did that change when you learned that Ambassador Stevens was missing?

A Well, I think what changed was trying to also ensure that we had some way of undertaking a search for him or ways to understand where he might be. I just recall there being -- one of the I think security people had indicated they had left him with a phone, and that phone might have traffic that shows where he was, or otherwise.

So I know that there was, in addition to how do we defend and how do we make sure we have Sean Smith's remains and we are protecting the other team members that were on the ground, there was a concerted effort to figure out how we could locate where Ambassador Stevens might be.

Q And what role did you play in that concerted effort to learn where Ambassador Stevens might be?

A I don't know how to answer that, other than that night my role was trying to facilitate what we were trying to do. And so if that meant placing calls or gaining information or sharing information, that would have been what I was doing that night. I don't know that I had a particular hat on.

Q So you weren't assigned any particular roles or did you have any particular tasks that you were assigned to carry out that evening?

A I'm sure in the due-outs there probably was something that I was accountable for; I can't tell you that that would be. But I know that at least that night I viewed my job as trying to make sure that

we were all doing everything we could.

Q Sure. Did you have any conversations with the Secretary where she said, Cheryl, I need you to call X; or, Cheryl, I need you to assure that this occurs?

A I'm sure those kind of conversations probably happened. I couldn't tell you what they were right now.

Q Okay. So do you recall what actions the Secretary took upon learning that Ambassador Stevens was missing, now knowing you have a search and rescue mission in addition to the --

A The death of Sean Smith, yes. I don't recall anything per se. I mean, for me, I guess maybe the way to say it is the intensity of what was happening was so much that I don't know that it could have gotten more intense, in terms of people trying to figure out what could be done to defend and what could be done to locate our Ambassador and what could be done to ensure that we were not leaving anybody behind.

So I don't know that I have a sense of the Secretary doing -- what her actions would have been, other than in one of those channels.

Q Okay.

Mr. Westmoreland. How are you?

Ms. Mills. I'm okay; thanks.

Mr. Westmoreland. Going back to your request for the FBI.

Ms. Mills. Yes.

Mr. Westmoreland. When you did have the video conference, was the subject matter what the complete group needed to be doing; or, was it okay, what all steps have already been taken?

Ms. Mills. It was both. So it was what's been done? It actually was what do we know -- so it starts in that way, at least in my best recollection -- what's been done, and what needs to be done. So I would say all of those were elements of the SVTCS that night.

Mr. Westmoreland. Don't you think a request for the FBI to almost immediately get involved, don't you think that might have been something that, if they had said what has been done, that would have been some type of honorable mention -- that you had just done that?

Ms. Mills. It's quite plausible. But when I think about a lot of the activity that night, I think about the activity to try and locate and rescue as opposed to what my lawyer brain does sometimes, which is what's the evidence so that we can pursue somebody and hold them accountable.

So I don't know that night how it would have played out on the SVTCS, but it's not implausible.

Mr. Westmoreland. And to me, that's a pretty big step for somebody to take -- asking another agency to be able to do that.

As far as you can remember, you did that on your own and the Secretary didn't say, Hey, Cheryl, we need to get the FBI on this and make sure we can get in there and try to find evidence or whatever. That was something Cheryl Mills did, not the Secretary telling you to do that?

Ms. Mills. So I think -- if I didn't do this accurately earlier, I don't have an impression as to how I came to that. Like I don't know if I had that thought on my own, which does make me seem like Ms. Big

Pants -- I can understand that -- or whether somebody had said to me we need to make sure we're thinking through that element.

I genuinely don't know how I came to be of that mindset to reach out to Steve Mull to ask him to take that task. But I do believe he would have accurately reflected that I had done that. And so I'm sure I did.

Mr. Jordan. Ms. Mills, you mentioned kind of three tasks you had at this 7:30 SVTCS: what do we know, what has been done, what else needs to be done. In the "what do we know" category, what was discussed there?

Ms. Mills. So let me to do two things just before I answer that.

That's my impression of how the evening went -- in other words, everybody going around the room saying what the current status of affairs, and then the next thing being what needs to be done and what has been done. That's my impression. I don't know -- there wasn't, like, an agenda that said, you know, A, B, or C.

Mr. Jordan. I got it.

Ms. Mills. Okay.

In terms of what had been done, at least as I understood it, each agency --

Mr. Jordan. Not what had been done. Well, I guess they sort of overlap. What do we know.

And so let me ask specifically, did anyone talk about the fact that this was a terrorist attack at that 7:30 meeting?

Ms. Jackson. And, if I may, if you could go back to exhibit 1, starting at the third page, the bottom of the third page, that email exchange that starts at 6:06 p.m. and goes to the next page, on the subject line, "Update 2: Ansar al-Sharia Claims Responsibility for Benghazi Attack (SBU)." So, just to --

Ms. Mills. Okay.

Ms. Jackson. -- help give you a timeline of --

Ms. Mills. That's good. Because you know my memory is frail.

I'm sure we would have discussed the fact that this piece of information had been shared with us. I also, for some reason, recall that it also then got withdrawn or that somebody suggested that it wasn't accurate. But I don't remember that happening in real time; I remember that happening sometime later. And by that, I mean the Ansar al-Sharia credit claim.

Mr. Jordan. So did both of those happened at this 7:30 meeting?

Ms. Mills. No, I don't believe that -- I don't believe so, but I don't have a specific recollection as I sit here right now. In fact --

Mr. Jordan. Let me ask you this.

Ms. Mills. -- if Ms. Jackson had not directed my attention back to this, I don't know that I would have been able to pull that from my own memory.

Mr. Jordan. Was the video brought up at the 7:30 meeting?

Ms. Mills. I don't know, because what I don't know is whether or not we would also would have talked about what was happening in Cairo and done a roundup of is everything happening in Cairo.

Mr. Jordan. I mean, you had sent this message to every single post we had around the world literally less than an hour or, I guess, slightly more than an hour before this meeting --

Ms. Mills. The cable you mean?

Mr. Jordan. The cable, yes. And so it seemed likely, if it was

important enough to send out, you were concerned about it, that it would have been brought up. So I guess, was it brought up? And if so, who brought it up?

Ms. Mills. So I don't know the answer to your question.

Mr. Jordan. Either one?

Ms. Mills. Right.

Mr. Jordan. Okay.

Ms. Mills. Because my memory doesn't -- I don't have a memory of the discussion around the cable or the video, though both of those could have been things that came up that night.

BY MS. JACKSON:

Q Just to follow up along those lines, correct me if I'm wrong, but what I heard you say was that the video was associated and affiliated with the protests that were in Cairo and then protests at other embassies after Benghazi, but the video was not affiliated or associated with the attack in Benghazi that night?

A So it wasn't that clean, primarily because we didn't know why people were attacking per se, because you didn't always know what different people's motivations might be. So, because there had been this earlier attack on our embassy in Cairo --

Q Was it an attack, or was it a protest?

A Protest. That's exactly right.

Q Okay.

A That's an excellent clarification. We didn't end up having people start attacking our embassies until after.

Q So any follow-on attacks didn't occur until after Benghazi occurred?

A To the best of my memory, but if I'm inaccurate, you should give me a document that helps me be more accurate. But my impression that evening was that, given how much had already happened in Cairo, there was a sense of the beginning of confrontations towards our embassies because of unrest in the region, and that unrest might flow from what they saw as a position that they thought our government might have been taking, which it wasn't, around this video or that we weren't doing enough with respect to it.

Q Just one last question regarding the response that evening. You know, we've talked about military response, we've talked about FBI, we've talked about a variety of different things.

What was the discussion within the State Department of assets that you could deploy, that the State Department could deploy to Benghazi to either assist in the defense of your people there or in the recovery, the search for the Ambassador? Did you --

A So, that night, we were assessing what assets we had on the ground at that time, which included assets that were in Tripoli, and whether or not they should or should not go into Benghazi. That's my best recollection, as separate and apart from how we could mobilize the host nation to do its job, as well as the teams that had been engaged to protect our consulate.

That's my best recollection. If there's a document or so that shows more, then I wouldn't quibble with it, but that's my best

recollection.

Mr. Jordan. Sharon, could I --

Ms. Jackson. Yes.

Mr. Jordan. Just to be clear, was the fact that Ansar al-Sharia had claimed responsibility and that it was a terrorist attack, was that or was that not discussed at the SVTCS meeting, the 7:30 SVTCS meeting?

Ms. Mills. I don't recall, but I have to imagine it was. But I don't know that.

Mr. Jordan. So you think it was?

Ms. Mills. Well, I don't know that, because you're asking my memory. And so, in my memory, I don't remember it, but I'm confident that, given that it would have been information that would have been provided, that that would have been one of the things that would have been discussed. But I'm not telling you that from a memory; I'm telling you that based on what the information was.

Mr. Jordan. And so, then, moving to the video, was the video discussed, just again to be clear, was the video discussed at the 7:30 SVTCS?

Ms. Mills. Again, I don't have a memory one way or the other.

Mr. Jordan. All right. So you're confident that the terrorist issue was brought up, but you don't know at all --

Ms. Mills. Well, I'm confident that this would have been one of the kind of lay-downs that they would have put on our desk when we would have sat down in the SVTCS.

Mr. Jordan. Okay.

Ms. Mills. So you would have then been able to read it, and I'm sure people would have then spoken about it. And so that just helps me understand how we typically operated.

Mr. Jordan. Okay.

Ms. Mills. So I'm kind of relaying from our operational protocols.

Mr. Jordan. But in the previous hour with Ms. Sawyer's questions, you said you had talked to some head of state or some foreign leader, "How can we protect your people when this video is out there?", that you could recall a conversation you had with some head of state --

Ms. Mills. So, not my conversation. I recall that in the conversations that our teams were having --

Mr. Jordan. Yes.

Ms. Mills. -- I remember that one of the things that got reported back was --

Mr. Jordan. And when was that? Was that --

Ms. Mills. That was after. So this was when we a number of different --

Mr. Jordan. So after the attacks? Several days after?

Ms. Mills. After the attack in Benghazi --

Mr. Jordan. Okay.

Ms. Mills. -- but not after attacks that were happening in Khartoum, Tunis. There were a number of countries where -- Sana'a -- where people were breaching our embassy walls. And I can remember that one of the conversations reported out from someone

who was a leader in the region --

Mr. Jordan. Was this the day after? Several days after? Do you know?

Ms. Mills. I would have said it's days after, but I don't know that for a fact.

Mr. Jordan. Okay. Thank you.

BY MS. JACKSON:

Q I want to move forward a few days, because I've got several other topics that I had hoped to cover in this hour.

Given the deaths of, ultimately, four U.S. Government personnel who at that time were all being described as State Department employees, was the Secretary asked to appear on one or more Sunday news shows?

A Yes.

Q Okay. And who asked? Did the network ask? Did it come from the White House?

And I would like to reflect that we are joined by Congressman Cummings at this time.

A I don't know who would have asked, because I don't know how our media -- you know, I'm imagining they would just have just sent it in to our media affairs. But I don't know how to answer that question.

Q But you believe the request came from the networks as opposed to the White House?

A I recall that there was discussion about whether or not the Secretary was available to go on the Sunday shows.

Q And were you part of those discussions?

A I was part of some of those discussions, yes.

Q Who else was part of those discussions?

A I don't know for certain, but I would have said, obviously, our assistant secretary for press. So I would have said Toria Nuland. But that might be more my expectation as opposed to the reality.

Q Would Jake Sullivan have been involved?

A Quite plausibly he could have been involved, as well. I'm just trying to --

Q Philippe Reines?

A Yes, he would have -- Philippe, who also worked in the Press Affairs, would have been involved in that, as well.

Q And the Secretary herself?

A Oh, certainly. You would never send her --

Q You would not volunteer her.

A -- onto a program without that being a decision that she ultimately decided she wanted to make. Correct.

Q Did you or others, to your knowledge, reach out and have any conversations with the White House or other agencies that were involved? Two of the deceased were contractors with the Agency. Were there any type of --

A About her appearing on the Sunday shows?

Q Her or someone else in lieu of her.

A I know that whether or not she would or would not appear on the Sunday shows was a discussion that we would have likely had with

the White House. Because we would not have said "yes" or "no" to the Secretary going onto shows without actually our media coordinating in that particular regard. So that --

Q Who at the White House would have been consulted?

A So, typically because I always was dealing with the NSC and, in that regard, Denis McDonough, my counterpart would have been there, though I don't know that I actually had a lot of conversation on this issue. So it might have been more likely that was a conversation happening with their media team, which was, I believe, led by Ben Rhodes in the White House.

Q Since the Secretary didn't appear, who made the decision that she wasn't going to appear?

A Well, she would always decide what she would do, if she was going to go on a show or not go on a show.

Q Okay. Were there recommendations that she took from you and others, such as Philippe Reines, Jake Sullivan, others?

A No. Candidly, the Secretary was so focused on what had happened to our team and what was happening in the region that I don't know that there was a moment's thought about it. She didn't often go on the shows. And she was, understandably, very concerned about how we support our teams and the losses that we had incurred.

Q Do you know where she was on Sunday?

A No.

Q Okay.

How did you learn that Ambassador Rice was going to appear on the

shows?

A I think I would have probably learned that by email or somebody indicating that they were putting somebody out on the shows and it was going to be Ambassador Rice.

Q Do you recall whether Secretary Clinton met with Ambassador Rice on the Friday after the attacks and before the Sunday shows?

A She had a standing meeting with Ambassador Rice on Friday mornings. So if Ambassador Rice was available and in town for her standing meeting, they would have had their standing meeting.

Q Do you recall whether Ambassador Rice attended the return-of-remains ceremony on that Friday?

A I believe she did, but I could be wrong.

Q So, if she was there, she would have been in town and they would have kept their standing meeting?

A They would have kept their standing meeting if she was in town. And I would have expected that she -- that that would have been a meeting that did occur. That's my best --

Q So, if the Secretary's schedule showed that they were have a meeting that day, it would have occurred?

A Yes, unless there was some other crisis or otherwise need, and then there would be an after-action schedule that would have reflected that change.

Q And did you sit in on those meetings?

A Sometimes.

Q Okay. Do you recall being there that Friday?

A I don't recall being there, but I don't know that I wasn't.

Q Okay. Would there have been any memorialization or notes taken of their meetings?

A No. They just basically had a meeting and kind of went over things where they talked.

Q Do you have any recollection that they discussed what Ambassador Rice was going to say on the Sunday talk shows?

A I don't recall her ever having indicated that, certainly to me. And, given all the fervor that happened after the fact, I would have imagined it. But I don't know that.

Q Let me turn quickly to the Accountability Review Board. And I don't know that I will get through all of my questions on that, but I'll try and get as many as I can.

What role did you -- you know what? Let me back up. I can do another subject, I think, in a shorter amount of time.

What intelligence products did the Secretary review regarding intelligence or security of overseas posts on a regular basis? Did she read -- did you have daily intelligence reports from within the State Department? Did she read any other reports from the intelligence community on a regular basis?

A I know she got regular reports, intelligence reports, each day that were brought in. Some of them were ones that we would get, some were not, so I don't know that I could speak to what it is that she would regularly see. I don't recall regularly seeing --

Q Did you read those?

A No. Some of them were ones that -- or were not ones that I would see. That's correct.

Q Okay. Did you read any intelligence reports on a regular basis?

A I read a lot of intelligence reports. They typically would be related to issues that I might be immediately handling. And if there was some reason why someone thought I needed to have a particular bit of information that was unrelated to something I might be immediately handling, someone would come, typically, and bring the document. And they sit with you while you read it, and then they would take it.

Q Was there something within the State Department called the "overnight"?

A I believe so.

Q Did you read that on a regular basis?

A No.

Q Did the Secretary?

A I don't know the answer to that question, because she got a package every morning that she would -- and they would basically come and sit for about a half-hour and go through intelligence and give her a briefing and step her through all the information. So I would imagine that that would be part of what they would be sharing with her.

Q And when you say "they," who are you talking about?

A I think they -- they came from the intelligence community, but I can't tell you, because each time it was -- not each time, but they would have -- during the time period we were there, there were

three or four individuals who held that role, or maybe it was two, and they would come and basically bring a whole package of intel, and they would do a briefing with her every morning.

Q But they weren't State Department employees? They weren't from your INR branch?

A Not that I recall them being from our INR branch, but I might be inaccurate about that.

Q The best recollection is that they were probably Agency or ODNI or NCTC?

A My best recollection is that they were somebody who seemed to travel to the Department to come give her those briefings every morning, because I know that she would feel bad if she said had to say, "Look, they've got to wait." So I don't know where they came from.

Q On or about August 17th of 2012, there was an information memo to the Secretary regarding the deteriorating security situation in Libya. Did you see that document?

A Not at the time, but I have seen it since.

Q Okay. Do you know if the Secretary saw it at the time?

A I don't know.

Q Okay. Who would know?

A She would know.

Q Would anyone else know or have some sort of tracking of the document being delivered to her?

A Well, I can only infer, but I don't know -- I don't know who or how it would have been delivered. I would just infer that a

memo for her would likely get to her, but that's an inference as opposed to something I know.

Q Would there be some sort of recordation of that through the Exec Sec?

A There might be.

Q All right.

You've said that you've seen the memo since.

A I have.

Q To your knowledge, how often would that type of memo come to the Secretary, where it's describing the deteriorating security situation in a particular country?

A I don't know, because I don't have the spectrum of all of the different instances where memos might arise about our teams. Because we had teams in very tough places, so I'm sure that there potentially would have been the case in Pakistan and Afghanistan and Iraq, in any number of places. So I don't know how to contextualize that for you.

Q Who would she reach out to discuss the security in country when she would get notified in any manner?

A Security -- our experts for security were in Diplomatic Security, which at that time was led by a gentleman named Eric Boswell. And then they were supervised by our Under Secretary for Management, Pat Kennedy.

Q Did Secretary Clinton have regular and routine meetings with Assistant Secretary Boswell?

A She had weekly meetings with her assistant secretaries, in which he was one of them. And she also had daily meetings where Under Secretary Kennedy was a part of them.

Q A daily meeting with Under Secretary Kennedy?

A So it was our senior team meeting, and he was one of the 12 or 15 people in the -- probably 12 people in the senior team meeting.

Q And you'd go around the table and everybody would report in on different matters and update the Secretary on what was hot or needed her consideration?

A Yes. "Hot" is an interesting word, but, yes, it is the case that people would give updates on their matters. And sometimes they were very mundane, and so we would look at that person like, "Really, are you keeping us here longer for that?" But, as a general matter, it was everybody giving updates from their areas.

Q Did she have any other meetings with Under Secretary Kennedy that were one-on-one?

A Well, she would have one-on-one meetings from time to time with any of our under secretaries and assistant secretaries. But if you're asking whether or not there was a standing one-on-one meeting, I'm not familiar with a standing one-on-one meeting.

Q Okay.

Given everything that was happening in the Arab Spring in 2011 and 2012, did she have any specialized group that she pulled together and met with regularly about issues that were occurring in the Middle East or as a result of the Arab Spring?

A I'm sure on the policy side there were conversations and meetings like that that were occurring. But if you're asking on the security side, she would have likely relied on the experts that we had both in the region and in our department for information in that regard.

Q And on the security side, that was led by Under Secretary for Management Patrick Kennedy?

A Well, so Diplomatic Security was actually led by Eric Boswell, but Eric Boswell reported to Under Secretary for Management Kennedy. He had a broader span of accountability than just the Diplomatic Security apparatus.

Ms. Jackson. I think I may only have a minute or 2 left. I will look to the Members to see if they have any questions.

Mrs. Brooks. I have a couple of questions just on security.

Were you aware of IED attacks on our facility in Benghazi that had occurred prior to the attack in September?

Ms. Mills. I don't think so. I saw that after the fact as we were looking through, obviously, what had occurred. I don't remember having contemporaneous knowledge, but it is quite plausible that Under Secretary Kennedy could have raised that at one of our, you know, meetings. But I don't have a memory of that.

Mrs. Brooks. Were you aware that a British ambassador -- that there had been an assassination attempt on his life in June of 2012?

Ms. Mills. No.

Mrs. Brooks. Were you aware that in June of 2012 a group of 20 armed Ansar al-Sharia members stormed the Tunisian consulate in

Benghazi in June of 2012?

Ms. Mills. I didn't have any awareness of that, correct.

Mrs. Brooks. Do you know if the Secretary was aware of any of these incidents?

Ms. Mills. I don't know. The one that I would say, obviously, there would have been visibility is when something happens to one of our facilities. And so you mentioned an IED attack on our facility, and that might have been raised to her attention.

I don't know that, and that's why I'm saying my best recollection would be that would be one that I would expect that, if there was visibility, that would have potentially been something Under Secretary Kennedy might have raised at one of our daily meetings. But I don't have a specific recollection of that.

Ms. Jackson. And I believe, then, we are at --

Mr. Westmoreland. Can I --

Ms. Jackson. Oh, I'm sorry. Go ahead. I believe the minority might cede us a couple more minutes. Thank you.

Mr. Westmoreland. Who would you say was the Ambassador's boss? Who did he answer to?

Ms. Mills. So the Ambassador's boss, which is always an area of contention with our ambassadors -- so the Ambassador is in a unique role. They obviously are the representative of our country in the country, and so that means that the President is their boss. They obviously work at the State Department; that means the Secretary is their boss. And the Assistant Secretary believes that they are an

extension of their region, and that means the Assistant Secretary believes they are their boss.

And effective ambassadors manage to make all of those people believe they are their boss.

Mr. Westmoreland. You were asked about the security issues at the compound. I think the way it was phrased, was the Secretary aware of any of the granular things about security, I guess; you know, does a door need to be reinforced or sandbagged or whatever.

But as far as deteriorating security in the whole area and what is going on, if the Ambassador was going to make a request for additional security, if he thought he had three different bosses -- maybe the President, the Secretary, or the Under Secretary -- who do you think he would have made that appeal to?

Ms. Mills. Because it would have been an operational element, they would have made that appeal in two ways: one, to their assistant secretary. That would be my first expectation to whom they would be sharing that information with. And they also had counterparts called regional security officers, who would, to the extent it was security-related, be making that through their counterpart in Diplomatic Security.

So I would've expected that in both of those channels you would see information flowing about that need. I might be wrong, but that's what I think they would be doing.

Mr. Westmoreland. So if an ambassador had concerns about the safety of his facility and the people there working under him, the only

channel he would have had to go through was the Under Secretary of Security?

Ms. Mills. Well, no, that is not their only channel. I mean, that is the luxury of being an ambassador; you do have multiple channels you can lever. But if you are asking what was the practice that I observed in the Department for how they raised this type of issue, the practice would be to raise it with the Assistant Secretary.

Mr. Westmoreland. And who would that have been?

Ms. Mills. That would have been Beth Jones.

And then they would have raised it through their Diplomatic Security channels. So their regional security officer would have been talking to his or her counterpart in Diplomatic Security for that, as well.

So those would have been the normal channels. When I look at what happened and how the Department operated in other instances, that's how they typically communicated.

Mr. Westmoreland. So, since these requests were denied, it would have been Beth Jones denying those requests?

Ms. Mills. So I don't know how to speculate in that particular regard, because I think it would've gone through two channels. And so it would have been dependent on what was the nature of the asset that was being asked for.

So, to the extent it was more fencing, more people, more of those types of things that I think are security-related, that would have likely gone through the Diplomatic Security apparatus. And what they

would have been seeking to leverage was what was the political situation in context that could be offered about what was happening in that region through their assistant secretary.

Mr. Westmoreland. So, even as these incidents mounted and the requests kept coming in -- I'm just speaking for myself. If I was an under secretary or in the defense, I may have gone to the Secretary and said, "Look, we've got this ambassador that keeps telling us, you know, they've had the wall breached, other ambassadors have been shot at, you know, the Red Cross has pulled out, the Brits have pulled out, and he's wanting extra security, and I've told him no. Is that a good decision?" I mean, it seems to me --

Ms. Mills. I think those are the hard kind of discussions --

Mr. Westmoreland. -- that's a terribly big decision.

Ms. Mills. Well, it's also a hard decision.

I think those types of discussions do have to happen in a world where, unfortunately, there is not limitless resources. And those kinds of discussions also have to happen then about whether or not you can stay or not stay. And all of those become part of the calculus that the experts in the Department really try to balance. And I think, on balance, they do a relatively good job, but I think it is a really hard situation.

And I think one of the things that at least this circumstance surfaced for me was how limited resources were for some of the needs that people had and how to try and ensure that there was more opportunity for more resources, given the unique challenges that diplomats face,

because they don't have security --

Mr. Westmoreland. Okay, last part of the question. So, in your opinion, the Secretary of State said, "It's your job, you handle it," or that she never knew about it?

Ms. Mills. I don't know what her level of awareness would have been on this, primarily because one of the things --

Mr. Westmoreland. You were her chief of staff. I mean, you would think that since you were the chief of staff, if the Under Secretary was going to come in, surely the chief of staff would have known -- at least, my chief of staff would have known that somebody was coming in to make a request for something.

Ms. Mills. So what's different about the Department than, potentially, your staff is not only the size but the expertise that is already resident in there. And I'm not saying I don't think I'm intelligent, but they also think that they have expertise that might not always be present in folks who don't have the longevity and the understanding of the scope that they might have. And that is probably fair.

I think that, in the context of the number of security professionals who each day make that hard judgment for diplomats and have been doing it relatively well for years, it doesn't surprise me that they would think that their expertise was expertise that would probably best know how to balance it. They have to do that every time they staff a post, they have to do that every time there's an incident at a post, and they have to do that every time they hear about a

threat and protect it.

But nobody's perfect. And I think that our Diplomatic Security team at the Department is really first-rate, but I also think that, as a practical reality, which I think some of ARB bore out, people learn to do with less. And the question is, in a world where we have our diplomats in increasing less secure places, how do we make sure that they have the protection that they need? And I think that's an important consideration not only for you all, obviously, but for how we fund and staff around the world.

Mr. Westmoreland. Okay.

Getting back to my question, do you think the Secretary addressed the situation?

Ms. Mills. Your question was do I think she knew about it, and I can't speak to what she knew. She's already testified as to what she knew.

Mr. Westmoreland. Well, the other question was, did anybody ever -- were you ever made aware that somebody talked to her?

Ms. Mills. "No" is the answer to that question.

Mr. Westmoreland. Okay.

Ms. Mills. Right.

Ms. Jackson. And, with that, we'll go off the record. We're over our hour.

[Recess.]

[12:54 p.m.]

Ms. Jackson. We will go back on the record at 12:55. And the minority staff has ceded the next time to the majority staff, so I'm going to continue with the questioning.

BY MS. JACKSON:

Q I want to turn now to the Accountability Review Board.

A Okay.

Q And it's our understanding, based on the documents that we've reviewed, that you have a role in selecting people to recommend to the Secretary for the panel. Is that correct?

A Yes.

Q Okay. And who did you work with on that?

A I worked with Under Secretary Kennedy and Deputy Secretary Bill Burns in identifying who might be talent that could actually serve in this role.

I know I also made inquiries to other senior leadership in the Department and also, I believe, to the Under Secretary for Political Affairs, maybe our other deputy secretary. But I generally was seeking recommendations for individuals who might be able to serve.

Q Okay. And were you leading that effort on behalf of the Secretary?

A Certainly with respect to standing up the ARB. My objective was based on her desire to have it set up quickly and actually have it set up with individuals who might be of the stature and ability

to give hard medicine if we needed hard medicine, that that was the undertaking I did.

Q Okay. And did you and the others then come up with a list of names?

A So the Department has names that they also have, and then what you do is you can augment or identify other talent that might be able to perform a particular role. So what I did was seek recommendations from different leaders in our department for who might be able to serve, given the kind of responsibility this particular ARB was going to require.

Q Okay. And how many names -- did anybody -- did you reach out to anyone to serve on the ARB?

A I reached out to Bill Burns, who I know ended up having a conversation with Tom Pickering, who ultimately ended up becoming our chair. I reached out to, I believe, Admiral Mullen myself. I could be wrong about that, but I believe I did. And I reached out to, I believe, Cathy Bertini, who had been recommended to us by the Under Secretary of Management. And those were the individuals to whom I reached out.

I remember that the IC recommended a gentleman named Hugh Turner, and they volunteered that name. We had reached out to ask who their name was going to be, and that's who they shared back. And --

Q Can you tell us about your conversation with Admiral Mullen?

A I asked Admiral Mullen whether or not he would be willing, given that he had, I think, had just stepped down from being the Joint

Chief, to serve on an Accountability Review Board and step through at least what I understood was going to be the time commitment -- and I acknowledge I was wrong; I thought it was a 60-day time commitment -- and that if he had the time and the ability, it would be beneficial to be able to have his expertise and his assessment for what happened in the security-related incident that we had.

Q Did he express any reticence, just given the fact that he was the Chairman of the Joint Chiefs at the time that these events transpired?

A It was my recollection that he was no longer serving as the Joint Chief, but I might be wrong about that. Are you saying he was -- because when I reached out to him, he was not the Joint Chief.

Q But he was the Joint Chiefs when the attack occurred in Benghazi.

A Oh, I see what you're saying.

Q Uh-huh.

A I don't know that. I obviously don't recall when he stepped down, but I knew he had recently stepped down. I don't recall having a conversation where he expressed reticence in that regard. He might have, but I don't remember that.

Q Did anybody else express reticence in that regard, that he was the Chairman of the Joint Chiefs when Stevens first went in as the envoy in Benghazi and then through the time period of the attacks?

A No. I think, though, to give context, the ARB is actually focused on the Department, and the ARB is actually focused on whether

or not there has been a security-related incident, whether or not the security was adequate, and then whether or not it was properly implemented, in addition to, obviously, whether or not there is any accountability for what did or didn't happen.

And so it is a department-based focus, if you will, with the other piece of it that is also an area, which is the intelligence and whether or not intelligence was assessed effectively in the context of a security-related incident.

So it's very focused on the activities and accounts of what happened based on the Department's assets and people and programs and how the Department itself and how our staff performed.

Q Was there anyone that you or the others reached out to to serve on that ARB that declined to do so?

A Oh, I'm sure there probably was, and I just don't remember who that would be. But I'm sure there was. I'm sure --

Q You don't recall anyone that you talked to?

A No, but I'm -- I don't know that this was an assignment anybody would have loved to do, so I'm sure there were.

Q Okay.

Did Admiral Mullen accept in that first conversation you had with him?

A I don't recall. Because I know he had just stepped down and he was trying to pace his own schedule and was concerned that his schedule might not allow him the flexibility to be as committed as he would need to be. So I don't know if that was in that first

conversation, he needed to get back or he needed to confer with his family or what was exactly the dynamic.

Q Okay.

Did you and the others forward only five names to the Secretary for her consideration?

A In the end, the Secretary was presented with a panel of the five names that were recommended, and she decided to accept all of those.

Q Did she have any input into the members of the ARB?

A We certainly apprised her that it looked like we had a team of five that represented a balance of those who understood diplomacy, who understood national security, who understood what it meant to operate in environments that were insecure, and that we thought the balance of who we had identified met that criteria.

Her objective was could they be people who would give hard medicine if that was what was needed. And I felt like, in the end, that team was a team that would speak whatever were their truths or observations to the Department so that we could learn whatever lessons we needed to learn.

Q Okay.

Do you recall that during this process that you conferred with Michael Morell from the CIA regarding one or more members or potential members of the ARB?

A That's plausible. I don't recall it, but that's plausible, because one of the members had to be from the intelligence community.

Q But was that person appointed by the ODNI, the Office of the Director of National Intelligence, or by the CIA?

A I don't know who actually ended up being the person who represents the IC. But Hugh Turner ultimately ended up being recommended through the -- to represent the intelligence community. I just don't have a perfect recollection or knowledge of that now. I'm sure at the time I probably did.

Q Okay.

Do you recall how it was that relevant documents were assembled for the ARB to review?

A So, yes. The documents are collected by our Administration Bureau. So the staff there put together the request and circulate it to the staff in the Department to provide any documents or materials that might be responsive, and then they are reviewed.

The Administration Bureau keeps the repository for all of those records. The ARB was to get their documents from the Administration Bureau directly so that there was no filter between them and the records that they might want.

Q Okay. And who was leading that from the Administration Bureau?

A I don't know who was the head of the Administration Bureau in terms of that, so I don't know the answer to your question.

Q Would it have been the Assistant Secretary? Would it have been the person in that position?

A It might have been, but I'm just telling you I don't have

a recollection of a human being in that framework.

Q Okay. So, then, did a tasking go out to all the relevant bureaus to collect and assemble their records and transfer them to the Administration Bureau?

A So -- do you mean for the ARB?

Q Yes.

A So I don't know how the ARB undertook their framework, but they were looking at records that were already being assembled in response to a request that had already been posed to our department by Members of Congress, as well as they had their own individual interviews that they were conducting where they might ask for records or materials that they felt would be relevant that they came to have knowledge of.

I don't, obviously, know that for a fact. I just know that that was their flexibility and that was the cooperation that was expected by everyone.

Q Okay.

I just want to take a step back because I'm not sure I understand how the documents were. Documents were already being assembled because of congressional inquiries?

A Yes.

Q That came in before the ARB was instituted or stood up or convened?

A I don't know the timing, because I don't have the timeline in my head. And you can absolutely refresh my recollection and talk

about that. But there were already documents being collected that were in any way related to the incident that had happened on the night of September 11.

Separate and apart from that, the ARB could both reach to the Administration Bureau to be able to access any of those records that were being collected, which would have been records regarding anything related to the night of September 11 and 12. And they could also initiate their own requests for documents.

Q Okay.

There have been reports out there that an individual by the name of Ray Maxwell, at some point between September and December 2012, was in a room in the State Department where Benghazi documents were being assembled or reviewed or stored or something like that and that you had an encounter with him. Did that occur?

A No.

Q None of that is true?

A Correct.

Q You never had an encounter with Ray Maxwell?

A Not of the kind he described --

Q Okay.

A -- or any kind around Benghazi.

Q Was it regarding -- did you encounter him regarding documents for some other subject?

A No.

Q Okay.

Was there a room where Benghazi documents were being assembled?

A So the Administration Bureau had a room where they obviously assembled documents, and there was also a room where individuals who reviewed documents were assembled. So both of those types of rooms do exist, correct.

Q Okay. And so the Benghazi documents were kept in a separate room?

A So the Administration Bureau, I can't tell you how they managed those, because I don't have a visual of that, but they were the actual repository and kept copies of everything, and they would only make copies to allow other individuals to review them as opposed to disturb their copy set.

Q Okay. And when they said "make copies," was that a hard, physical copy or was that some sort of scanned electronic copy?

A Physical copy.

Q Physical copy?

A Yes.

Q Okay.

And do you know who Ray Maxwell is?

A I do now.

Q Did you at the time?

A I'm sure I would have met Ray. I don't know that I had a recollection, because I certainly don't have that and didn't until after I saw some of the things that had been said. I might have had an encounter with him when he was being hired. I don't know. Meaning,

ensuring that he was in a place where he could be appointed or hired. I don't know. But I don't -- I never had an encounter with Ray Maxwell around Benghazi.

Mr. Davis. That's pretty specific, "I may have had an encounter with him when we was hired." Why when he was hired? Why are you using that as a potential example of when you may have encountered him?

Ms. Mills. Because for two reasons: One, one of the things that we sought to do in the Department was to bring about greater diversity in our administration. For better or worse, that presents a challenge in a lot of our bureaus, because their ability to identify talent that has expertise who might be other than white and male was limited.

And Ray Maxwell, as I understand it, based on conversations that he'd had with others, was identified in a process whereby, because part of our objective was to ensure that we had more diversity, he was reached out to as an opportunity to be able to be hired.

So that's the only reason why I say that.

BY MS. JACKSON:

Q Now, you've stated that this location in the A Bureau was collecting Benghazi-related documents not only for the ARB but also for congressional inquiries?

A So they actually collect documents, so purpose-based isn't truly as relevant for them. So the Administration Bureau is the repository for whenever there are inquiries or requests for materials. They are the repository of where they get collected.

And then they make copies for whoever are the experts or others

that need to review them to determine whether or not they, A, are responsive, and then B, if they are responsive, whether or not there has to be any preparation of those documents for sharing, meaning privacy and you have to redact people's phone numbers or there is a classification associated with it. Or the document has other agencies' equities, which means it can't go out before the other agency reviews it and expresses what their equities might be.

Q So, irregardless of whether it's congressional or FOIA or the ARB?

A I don't know how to -- my experience was typically, when there were inquiries that were coming in from Congress, that that's how they managed it. But it probably has a wider application and it's just that I'm not as familiar with it.

Q Now, you stated earlier that the ARB could request documents. Was that the only way in which they got documents, or were there documents that were collected and given to them and they could just augment what was collected?

A So their mechanisms were threefold, if I really think about it. One, obviously, they could reach to the A Bureau and say, we want to look at all of them or we want to look at documents of this nature. Two, they could make requests. Three, they would ask, as our reviews were going on of records, were there any records that were relevant that they should be either looking at or that they should at least be apprised of. And so that was another mechanism that they had. And so those could be collected and provided to them if that's what they

reached to ask for. They might have asked for that on a particular subject matter; has anybody seen anything on this topic or that topic?

But those were the three ways that they could get it, with each of those being avenues for them to be able to ascertain whatever information they believed they needed, because people didn't have visibility into how they were making those judgments.

Q For things like congressional inquiries or FOIA responses and things, was the process the same or different?

A I don't know. I would imagine there's a lot of similarity, but I don't know that I could answer that with confidence.

Q Okay. Such as when a congressional request would come in, would the relevant bureaus receive some sort of memo saying, "Find us all the records on X and turn them over"?

A The Administration Bureau did identify those offices that they thought would likely have materials that would respond to an inquiry and send them requests to be able to provide those documents.

Q Okay.

[Mills Exhibit No. 7

Was marked for identification.]

BY MS. JACKSON:

Q I'm going to hand you what I've marked as exhibit 7 and give you a moment to take a look at it and see if you recognize this document.

Have you seen -- this letter, for the record, is a letter from Congress dated September 20, 2012. It is to Secretary Clinton. It is from Jason Chaffetz, who was the chairman of the Subcommittee on

National Security, Homeland Defense, and Foreign Affairs.

And, if I may summarize it, it generally asks for the production of records regarding the Benghazi attacks. Is that a fair assessment of what this letter requests?

A It is a fair assessment.

Q Okay. Have you seen this letter before?

A I have.

Q Okay. And do you recall, did you see it close in time to its receipt in September of 2012?

A Yes.

Q Okay. Who brought it to your attention?

A That I don't know. I would imagine it would've been brought to our attention by Congressional Affairs, but I don't know that I have a memory of someone bringing this specific document to my attention.

Q Okay. But would you say that you saw it within days of its receipt?

A Oh, yes. Yes. That's why I said -- I saw this contemporaneously with when it was coming in. So it would've been, certainly, within a few days of when it came in, I would've seen it.

Q Was that something that you had requested be done?

A No, but --

Q Then let me ask this: Did you see all requests from Congress that --

A No. And --

Q -- came to the State Department?

A No, I didn't, thankfully, because I know you all have a lot of business that you do at the Department. But no.

I had been managing, as you know, our response effort and collaborating with our leadership team on Benghazi in particular, and not only from the moment of when we lost our team there but also afterwards and their return home and addressing the families and a whole set of related matters. So it would've been not at all surprising to me, or it's not surprising to me, sitting here, that this would have been brought to my attention.

Q So you were the point person for the State Department on the Benghazi aftermath?

A I don't know that I would say that, but I don't think it's unfair to characterize it that way if you'd like.

Q Okay.

And when you got this letter, did you discuss it with the Secretary?

A I don't recall discussing it with the Secretary. I might have, but I don't recall that.

Q Do you know if she saw it? Would you have put it in --

A I don't know that she saw the request. I know that we would have all been discussing that we had requests from -- Congress is stepping through all of the documents that would be related to the incident. And that's something we would have raised in the our weekly -- I mean, our daily meeting, "We got an inquiry in this instance about Benghazi." Because we were basically following up every day

about what were the either security-related issues for our other posts that were being besieged or for followup on Benghazi.

So it's quite plausible. I might have said that. It's quite plausible our Congressional Affairs person who sits in her daily meeting would have said that. But it would've been the case that this would have been something that likely either would have been articulated conceptually or articulated specifically.

Q Okay. And who was head of Congressional Affairs at the time?

A Dave Adams.

Is that -- thank you.

Dave Adams.

Q Okay.

Other than Mr. Adams, did you have discussions with any other members of the senior leadership regarding the congressional request?

A Oh, I could have had discussions with any number of people. I don't know that I would have thought about it in a targeted way in that regard. So it's quite plausible.

Q Okay.

Now, was this request, among others, the ones that were being handled by the A Bureau?

A The A Bureau did send out the request for documents related to this and gather the documents related to this, correct.

Q Okay. Did you or others from the seventh floor provide any documents in response to this letter?

A Yes.

Q Okay. What did you do? What did you and others on the seventh floor do to --

A So the request went to -- the request went to not only -- well, the request went to individuals who served on the seventh floor but also went to other bureaus and departments where they anticipated there might be staff that had, potentially, documents that could be responsive to the request.

And so you conduct a search of your records to identify anything that might be responsive, and then you provide those to the bureau for their collation, copying. And then they actually then go through a process for review.

Q Okay. And did you do that?

A I did provide documents, yes.

Q Okay. And can you describe for us the nature of the documents that you provided?

A I couldn't. I don't even know what were my documents at that time. In fact, even sitting here now, I couldn't even tell you what were the documents that I would have provided, but -- I don't know.

Q How did you do that search?

A So I had my assistant search my email, and I had my own -- you know, whatever documents or materials that we had that were responsive to the requests, we also then would have looked through my own documents to see what should go.

Q Like, your directory or physical documents?

A Physical.

Q Physical. Did you keep electronic copies of documents in a directory?

A Not on this topic.

Q You had certain file folders of various topics --

A Yeah, but I had not had occasion, really, where I had been dealing on matters related to Libya, really, before that much. So I don't know that I would have had anything that was related to that. I remember doing that after when all of this started. Okay, well, now we have congressional requests and other things. But I don't recall having that beforehand.

Q At the time of the attack, did you set up some sort of separate directory or repository for all things attack-related?

A Not that I recall doing. I might have, but I don't recall doing that.

Q Do you recall whether your assistant did?

A My assistant went through my emails to provide my documents. I don't know how she might have organized herself in that regard.

Q And all of those documents were provided to the A Bureau?

A Right. And then the A Bureau makes a judgment about copying those to make sure that they then go to a review team. Correct.

Q Is there a particular office within the A Bureau that would have been handling this?

A I don't know the name of the office, the sub office within the Administration Bureau. I always thought of it as the

Administration Bureau.

Q Okay.

Who else on the seventh floor provided documents?

A To the best of my understanding, individuals who had documents provided them. I don't know that I could be effective at basically litanizing who that would be, but I think everybody stepped through the process to do that.

Q Okay.

You stated that you were organizing in the aftermath of the attacks. Can you elaborate on how you did that, what you did?

A Well, so, after the attacks, there were a number of ongoing attacks that were happening to our other embassies. And so we set up a team that was each day going through and looking at what were the threats that were happening at each post, what was the posture we needed to take, and did we actually need to evacuate our staff or otherwise.

So that task team probably had four or five folks on it that every day were looking at what was the status of our different embassies in the region.

Q Uh-huh. And when you talk about these ongoing attacks, were they attacks, or were they protests and demonstrations?

A Some were attacks, and some were protests and demonstrations.

Q Okay.

A So some actually breached our perimeters. In Tunis, I know they breached our perimeters. They breached our perimeters in

Khartoum, because we had to get their Presidential guard out, and that took a lot of cajoling. It shouldn't have, but it did. And I recall also, I believe, in Sana'a.

But there were a number of instances where our embassies were actually breached, and then there were a lot of protests. So it was a mixture of both.

Q Okay. So your definition of a protest would be not breaching the wall, and an attack would be anything that breached?

A Yeah, I think that's fair.

Q Okay.

A I think that's fair.

Q Did any of those breaches of the wall involve weapons?

A I don't know the answer to that question. I know that -- the reason I'm pausing on that is I don't know what was going on in Khartoum, and I know that they actually got all the way to one of our second doors. But I don't know the answer to your question, like, what they were using and how they were successfully traversing each of those stops that we had before they got there.

Q Did we have any loss of life of U.S. personnel in any of those subsequent events --

A No, we didn't.

Q -- after Libya?

A No, thank goodness.

Q Okay.

And just to go back for a moment, we had the protest demonstration

in Cairo, then the attack in Libya, and then all of these others occurred subsequent to Libya. Is that correct?

A That's my best memory. There might have been some that were happening, you know, and I didn't -- but my best memory is they were happening after.

Q Okay.

In addition to Congressman Chaffetz sending this letter in September of 2012, he traveled to Libya in early October of 2012. Were you aware of that trip?

A Yes.

Q Okay. And how did you become aware of that trip?

A I became aware because -- my memory is that it was Congressman Chaffetz and one other Congressperson -- and I'm going to blank on who that was -- wanted to travel to the region. And that obviously involved a lot of impact for the post, when a VIP travels to the region, and particularly when a post has undergone some of the circumstances that our post had just gone.

So that matter, I do recall being that he wanted to travel; how could we assist his travel so that he could travel securely and safely? And there was a lot of concern about whether or not that was possible or not.

Q Okay. In your role as chief of staff, would you have always been apprised of when there was going to be a codel to an overseas post?

A No. This was more related to the fact that this matter was one of the matters that I was actually handling. So, for example, I

handled the Haiti earthquake. So there were a number of different codels and matters where they wanted to travel, and there was a lot of stress on our post at that particular time, and the ability to accommodate them was hard. So I was apprised each time in those instances, because it just happened to be a matter in which I was deeply involved or providing leadership on.

So I didn't typically get codels. It would be that they were related to a matter that I might have either involvement or leadership on.

Q Okay. And who all did you discuss the October 2012 codel with?

A I know that our Congressional Affairs brought the matter to our attention. I know that Diplomatic Security and our Under Secretary for Management as well as our Assistant Secretary were obviously a part of conversations about how we could ensure that, if they went, they were able to go securely and what risks that imposed.

Q Okay. Did you have any conversations with embassy personnel?

A I don't recall having any conversations with embassy personnel before they went. I recall having conversations with our Congressional Affairs that were relaying conversations, I guess, that they were having with the post. And I'm sure Diplomatic Security was doing the same, because I'm sure everybody would be worried about safety. But that's my best recollection right now.

Q Did you have a conversation with the charge at the time,

Gregory Hicks?

A I had a conversation with Gregory Hicks while the codel was ongoing, if I remember correctly.

Q And would you tell us about that conversation?

A So our Congressional Affairs had gotten reports that some of our team on the ground felt uncomfortable in conversations that they had been having. They had reached out before the codel went to ask whether or not there could be representation from the Department present, because they were concerned, given the loss of an ambassador, that there might be accountability assessed in a way that created exposure. And what we wanted was people to be able to feel comfortable speaking, and we wanted our team to know that we --

Q Who had these concerns?

A So I don't know who the individuals were, because they were expressed to me through our Congressional Affairs team. So I don't know that I could articulate who the people were who were expressing the concern to our Congressional Affairs.

Q Who on your Congressional Affairs team told you that?

A I know that Dave Adams was aware of these concerns and had shared those. He's the likely person. The only other likely person probably would have been Josh Blumenfeld, who was his deputy. Those are the two people, at least in my mind, that I recall at that time.

BY MR. DAVIS:

Q I'm sorry. So I want to make sure I understand correctly. People on the ground felt uncomfortable with some of the conversations

they were having?

A Oh, no. Thank you for asking that.

So, as I understood it, relayed through our Congressional Affairs team, there were team members in Tripoli who felt uncomfortable, given some of the comments that had been made in the media about the Congressman's travel, that they might be -- they were concerned for their own, I would say, well-being and whether or not they were being, for lack of a better word, blamed, which they weren't. Or, at least, that's my impression, that they were not.

But that concern existed, and so they wanted to understand whether or not the Department would have representation present. And the objective was to make them feel comfortable that they could actually feel comfortable speaking candidly about whatever was their experience and that they shouldn't have a fear of retribution or that they would be blamed.

I think people are sensitive, and certainly our team was very sensitive after they had lost an ambassador, because that hadn't happened --

Q So you learned about this through Congressional Affairs?

A Correct.

Q Do you know who told Congressional Affairs, who from the team on the ground in Tripoli relayed that?

A I don't have that information.

Q Would that have gone through the charge or the --

A I don't know the answer to that part of the question.

Q Okay.

A Yeah.

Mr. Jordan. Yeah, I just want to be clear. So your understanding is that came from people on the ground in Libya?

Ms. Mills. Yes.

Mr. Jordan. And that is actually just the opposite of what we heard from Greg Hicks when he testified.

Ms. Mills. Uh-huh. I haven't seen Greg Hicks' testimony. I can only tell you what is my truth.

Mr. Jordan. I'll read it to you.

Ms. Mills. Sure.

Mr. Jordan. He said, "I was instructed by lawyers from State Department before Mr. Chaffetz visits, I was instructed not to allow the RSO, the Acting Deputy Chief of Mission, and myself to be personally interviewed by Congressman Chaffetz."

So my question to him was, at that hearing, "So people at State told you don't talk to the guy who's coming to investigate?" And his response was, "Yes, sir."

Where did that come from? Who told him not to talk personally with Mr. Chaffetz? Or, not just him, but the RSO and the Acting Deputy.

Ms. Mills. I don't know. I'm listening to you say that L said that, and I find that hard to believe, that our Legal Affairs would have done that.

But I don't know the answer to your question. Because the presence of the lawyer was to create comfort for those who felt like

they were going to be blamed for losing an ambassador, to feel comfortable that they could answer and talk to not only the code but others, to the extent those questions were being raised.

And I think people felt vulnerable at that time. And part of my observation was, the goal should be people shouldn't feel vulnerable. We did lose an ambassador, but everybody's on the same team and trying to understand how and why.

Mr. Jordan. And I guess that's what I'm trying to understand. If everyone is on the same team, why did you have to send a representative from State Department here when you've got -- they're all State Department personnel there?

Ms. Mills. Because there wasn't somebody from the Legal Affairs Office there. And I think their -- I think, as I understood it -- but, you know, like, I can only understand it through what channels I learned -- there was concern that they were going to be placed in a position where they might have vulnerability personally. And the goal in having somebody from the Legal Affairs Office, or L, present was to help them feel comfortable in that regard and, honestly, because they wanted that, to try and make sure we were being respectful of that.

Mr. Jordan. But you don't know who the "they" is?

Ms. Mills. My impression, but I don't know --

Mr. Jordan. Because it certainly doesn't sound like it was Mr. Hicks, who was head of --

Ms. Mills. Oh, no, I --

Mr. Jordan. -- mission at the time.

Ms. Mills. -- don't believe it was Mr. Hicks.

Mr. Jordan. Okay.

Ms. Mills. I don't have any impression that it was Mr. Hicks. I mean, I would've assumed that would have been a more direct request if it would come from Mr. Hicks. I don't believe it would've been him.

Mr. Jordan. Okay.

Ms. Mills. And I don't believe he felt any culpability for the loss of our ambassador. I think this was much more related to our security teams on the ground and that raw feeling that people have when somebody just died and you know it was your job to protect --

Mr. Davis. You mentioned that there were two Members of Congress --

Ms. Wilkinson. Excuse me. Could you just let her finish her answers instead of stepping on her answers? I know you want to get all your questions in, but just let her finish the sentence.

Mr. Davis. Sure.

Were you finished?

Ms. Mills. Yes. I'm good. Thanks. I appreciate it.

BY MR. DAVIS:

Q You mentioned that there were two Members of Congress who were going out to Tripoli?

A I believe -- my recollection when I was told about it was that there were going to be a couple of Members who were traveling or wanted to travel, but I'm not confident that's accurate.

Q Okay. Do you know if a lawyer accompanied the second

Members trip out to Tripoli?

A Oh, I didn't know there was a second Members trip. My understanding was of the -- my impression was that there was going to be a trip where individuals were traveling together.

Q Okay. Well, I'll just tell you that there were trips.

A Okay. Thanks.

Q There was the Jason Chaffetz trip, which we've been talking about.

A Okay.

Q Two days later, there was a separate trip by a Member of the Senate.

A Okay.

Q Are you aware whether a representative of the L accompanied that Member out to Tripoli?

A So I wasn't -- I don't know that I had a cognizance or recollection of that second trip. Obviously, you just told me. But I also don't know -- I thought L's lawyer ended up traveling separately, but maybe he traveled on the same trip with Representative Chaffetz.

Q There are periods in country overlapping --

A Okay, got it.

Q -- with L and Mr. Chaffetz.

A Sure.

Q So when I say traveling on the same trip, I mean being there, accompanying Mr. Chaffetz. Was a representative of L accompanying -- it was actually Senator Corker who went the second

time.

A Okay. I didn't realize that. Thanks.

I don't know. I don't know the answer to your question. My impression was that at least the concern got expressed in the context of the first trip that was getting ready to be undertaken, and I, candidly, thought there was one trip, so obviously that's --

Q So the --

A -- a part of my own memory blip.

Q So the concern was only around Mr. Chaffetz's trip and not Senator Corker's trip?

A Well, I wasn't aware there was a second trip. So my impression was there was a concern around what I thought were Members who were going to be traveling and not just one.

Q Okay.

A But it might have been always that only Congressman Chaffetz was traveling. But it was my impression that there was going to be a codel that was going to have more than one Member on it. Because I remember part of the discussion about how to secure the space and other things like that was about more than one principal.

Q But since there were two trips, wouldn't it have been prudent to second a second representative of L on the second trip, as well, if concern was coming from the ground?

A So, two things, or at least my impression. My impression that this concern, I think, has a little bit to do with proximity and a little bit to do with people's experience. That's my best

impression. So I don't know how to answer yours, other than it got requested. And, certainly, when our team, who has just experienced what they have, say that they feel vulnerable or would like to have somebody from the Legal Affairs Office present, that's something that we would try to respond to, because it's a tough situation.

Mr. Jordan. Were there any other congressional trips where someone was sent along with the congressional -- and I understand this is a unique situation, certainly. But were there any other trips where this was the practice?

Ms. Mills. I don't know the answer to that question, because I, obviously -- like I said, my visibility into different trips would have been Haiti, more likely, or this one. So I don't have the same familiarity.

Mr. Jordan. Again, Mr. Hicks' testimony was this was the first time in his experience, 20-some years all over the world, where he saw someone -- he was told by lawyers at State that this guy was to be at every meeting and be a part of this. First time in his experience it had happened. And it is certainly even different from, as Carlton pointed out, from just the second visit, which happened a few days later.

Ms. Mills. I obviously can't speak to Mr. Hicks' experience. I know that we hadn't lost an ambassador over 25 years, and I don't know --

Mr. Jordan. I understand --

Ms. Mills. -- whether or not in his experience --

Mr. Jordan. I understand that situation --

Ms. Mills. -- he had had that before or not.

Mr. Jordan. -- but all I'm saying is, it's only time.

Ms. Mills. So I don't know how to answer that question. I can only answer from my knowledge base.

Mr. Jordan. Tell me about the person who went.

Ms. Mills. As I understood it, the Legal Affairs Office sent, I think, a junior officer, but I might be wrong about that. It is my impression that he was a junior lawyer in --

Mr. Jordan. Did they select him, or --

Ms. Mills. -- L.

Mr. Jordan. -- did you?

Ms. Mills. My recollection is that L basically was making recommendations about who they could afford to have go at that time period. So that's my best memory.

Mr. Jordan. Do you know Mr. [REDACTED] at all, [REDACTED]? My understanding --

Ms. Mills. I came to meet him -- I came to know him subsequent to his travel out into the region, primarily because he ended up being one of the lawyers who was also responsible for helping to review and assess documents. And so I met him more through that process than I had met him at that time. I didn't know him at that time.

BY MS. JACKSON:

Q When you say he was part of the review and assessment of documents, what role did he play with that?

A As I remember it, the L had more than two or three attorneys

who had responsibility for reviewing documents for production, and I believe he was part of that team. He might not have stayed on that team because he had other assignments, but he was on that team, I thought, in the beginning.

Q Okay.

We've talked about Congressional Affairs Office as well as the Legal Advisor. Those are two separate entities within the State Department; is that correct?

A They're two separate bureaus, that's correct.

Q Okay. And the Congressional Affairs Office has lawyers assigned to it; is that correct?

A I don't know.

Q Okay.

A I mean, I think of the Legal Affairs Office as the one operating legally, so -- but there probably are lawyers who are a part of Congressional Affairs. But I would imagine they would still have to be part of L if they were operating as lawyers.

Q So was there any reason why, to your knowledge, that lawyers from Congressional Affairs was not sent, as opposed to the Legal Advisor?

A Well, I don't know that I would've known that there were lawyers in Congressional Affairs who had that role until you just said that. So I would have expected -- so I don't know how to answer your question other than my expectation would have been that Legal Affairs would have made that judgment.

Q Okay.

You know, we never got to your conversation with Mr. Hicks while the congressional -- the codel was over there. Would you relate that conversation to us, please?

A Yes.

Congressional Affairs relayed that there were concerns that had been raised by our team on the ground about their engagement with Congressman Chaffetz and that, in point of fact, there had been no representation present from the Department.

Congressional Affairs called me. I called Greg Hicks to say I just received a report that indicated that some of your team is upset based on their engagement that they had with Congressman Chaffetz and that they were upset because they also did not have representation there from the Department.

Mr. Hicks relayed that he did not have any concerns. He felt like his experience was one that was positive, and he did not -- he was unaware that his team had relayed any of those concerns. I asked would he then check, because his relaying of that at least allayed my concerns. And he said he would check. And I said I appreciated that.

So that was my experience of that call.

Mr. Westmoreland. Excuse me. Can I interrupt just to clarify something?

Ms. Jackson. Yes.

Mr. Westmoreland. I'll be real quick.

Ms. Mills, so they brought this to your attention?

Congressional Affairs came to you with this --

Ms. Mills. Yes.

Mr. Westmoreland. -- over feeling vulnerable that a Member of Congress was coming on a codel over there?

Ms. Mills. No. No, this was actually now once they were there and they had actually had an engagement.

Mr. Westmoreland. Okay.

Ms. Mills. So not before. The before was what their worrying was. Yes.

Mr. Westmoreland. But it came to the height, I guess, to you, being the Secretary's chief of staff --

Ms. Mills. And if you knew how lowly sometimes my job was, you wouldn't say that.

Mr. Westmoreland. Well, I understand, but --

Ms. Mills. But, yes.

Mr. Westmoreland. -- they felt vulnerable.

Why wouldn't the vulnerability of the people that were afraid for their lives, having gone through, you know, the breach and all the other things going on in Benghazi, their vulnerability, why wouldn't that have risen to the same level in the State Department as somebody being concerned about a Member of Congress asking questions? That's confusing to me.

Ms. Mills. Sure. I don't know that I can allay your confusion. I can only tell you what happened.

I think there's two different circumstances. One is a

circumstance where you have a set of experts who are making those kinds of judgments every day about security and how to balance those issues. The second is actually a crisis management matter, where, as a practical fact, I ended up having a lot of responsibility in the aftermath of how those are being managed.

So when we had a congressional code of going to our post and it ends up putting pressure on our post, not because they're Congress but just because any VIP in a situation where a post is undergoing challenges introduces stress into that post, Haiti or here, that would get raised, and they did raise it to me.

I don't know that I would have thought to say to them, "And, by the way, why didn't you raise any of these others?" That just wasn't something I had visibility in to be able to do that.

Mr. Jordan. Okay. So I just want to be clear. Your testimony is there were two sets of communications. There was this communication that came --

Ms. Mills. Before.

Mr. Jordan. -- before the visit by Congressman Chaffetz --

Ms. Mills. Correct.

Mr. Jordan. -- that folks on the ground -- we don't know who they are, but some of your people on the ground in Libya were concerned that -- "blame" I think is the word you used -- that there could be blame going around and that they thought it appropriate to have someone else there from Main State.

Ms. Mills. I don't know that they used the word "blame." That's

my impression of what the worry was. But their worry was that they were going to be potentially placed in a situation where they might be held accountable for the loss of the Ambassador.

Mr. Jordan. Communication from your folks in Tripoli to Congressional Affairs, Congressional Affairs to you.

Ms. Mills. That's my best understanding, yes.

Mr. Jordan. And then you discussed that with your folks and you decide Mr. [REDACTED] is going to accompany Mr. Chaffetz.

Ms. Mills. So, actually, this was also shared with the Legal Affairs Office. So the Legal Affairs Office thought one way to ameliorate that consideration and concern was having a lawyer present, which I agreed with. Because the goal was just to make them feel comfortable, as opposed to have them feel uncomfortable or that they couldn't engage in a set of conversations that hopefully would be beneficial.

Mr. Jordan. Okay.

Second communication is after -- actually, during the visit of Mr. Chaffetz, when there is a meeting that takes place that Mr. [REDACTED] is not allowed to be in based on security clearance.

Ms. Mills. Okay.

Mr. Jordan. Is that accurate?

Ms. Mills. I don't know the accuracy of the security clearance element. My impression was that there was a meeting that he was not permitted to participate in.

Mr. Jordan. Yeah. This is what Mr. Hicks testified to in the

committee.

Ms. Mills. I have no reason to know differently.

Mr. Jordan. Okay.

And then he says that he got a phone call from you. He was asked -- Mr. Hicks says, "A phone call from a senior person, generally speaking, is not considered to be good news." "And what did Ms. Mills say to you?" "She demanded a report on the visit." "Was she upset by the fact that this lawyer was not permitted to be in this meeting because he didn't have the requisite clearance level to be in that meeting?" And Mr. Hicks' response was, "She was upset."

So fill me in.

Ms. Mills. Well, I'll fill you in in two ways. One, I don't know that it's about that meeting. So I don't know what are all the different engagements that happened when the Congressman was there. Because, obviously, what I learned was that there were some encounters that members of the team on the ground felt uncomfortable with, and, more particularly, they also felt like we had indicated that there would be representation present and that had not occurred. And so we had, in some ways, failed them.

My goal in calling Mr. Hicks was to learn, one, was his team really upset, because that was what was being reported; and, two, was everything okay. My impression from him was that he was unaware that there might be members of his team that were upset but that he felt like in his engagement things were fine. And that allayed my concerns, based on his representations that he felt fine.

Mr. Jordan. Okay.

BY MS. JACKSON:

Q Circling back to the ARB just for one final topic, Admiral Mullen testified that he talked to you prior to Charlene Lamb's appearance in October 2012 before the Oversight and Government Reform Committee. Did that conversation take place?

A I don't recall it, but I would have no reason to believe that he wouldn't be accurate about that.

Q Okay. He related that he told you that Charlene Lamb was not going to be a good witness for the State Department. Does that ring a bell with you?

A No, because if I was aware of that, I might have been thoughtful about that in all the ways of which -- how we could best communicate information. But I don't dispute that. I'm sure that if that's his memory that he would be accurately reflecting what he recalls.

Q Did you meet with people prior to their testifying before Congress?

A Yes. Before the first set of testimony, we met and people read their statements that they were going to be giving and help be able to step through what it was that at least they were going to be communicating on they understood to have happened.

Q And who were those people?

A There were four people who testified at that hearing. It would've been those four people, but I can't tell you that I remember

all four of them.

Q Was it Patrick Kennedy?

A Did Pat testify at the first hearing?

Q Yes.

A I'm sorry. I'm asking for your help.

Q Eric Nordstrom?

A Eric definitely testified, correct. And I met with Eric.

Q Mark Thompson?

A No, I don't remember meeting with Mark Thompson. I don't remember Mark Thompson. Is he a member of the Department of State?

Q Yes.

A I don't remember meeting with Mark Thompson.

Q And so you went through their statements. What else did you talk to them about?

A I don't know that -- what they ran through with their statements, we also obviously wanted to ensure that they had the best opportunity to be able to articulate what it was that they knew and what it was that they understood as their experience of the situation.

Q Okay. And who was with you in that meeting?

A Congressional Affairs was present in that meeting.

Q Was that Dave Adams?

A It was Dave Adams or Josh Blumenfeld. I don't know who else would have been present, but there were others present. I just don't recall.

Q Okay. And did you do prep before subsequent hearings?

A That's the first hearing that I recall us having actually a meeting. I don't know with subsequent hearings, because things happened so fast, how those different preparations were happening. I know Congressional Affairs did prep, and we certainly prepped the Secretary before she did. But I don't know that I could tell you in realtime how each time, when people were going up, whether or not they got the same amount of time, just because there was so much going on.

Q Do you know whether these people that we've been talking about, Patrick Kennedy and Mark Thompson and Eric Boswell, were interviewed by the ARB panel?

A I don't know all the people the ARB interviewed. I think they gave an interview list, but I haven't gone through that to refresh my recollection, so I don't know.

Q So you don't know whether your meeting with them would have been before or after they may have met with the ARB?

A I don't know for certain. If you would ask me to give an impression, I would have thought ours would have been before, but I don't know that for sure. So I don't know.

Q Did you meet with anyone before they met with the ARB panel?

A Well, so I don't know who everyone the ARB panel met with, but, I mean, I engaged with everybody in the Department on a pretty regular basis. So it's certainly the case that I would have met with people in the course of responding to or addressing or handling this matter, to the extent there was a reason that I would have been meeting with them.

Q Did you meet with them regarding their meeting with the ARB panel?

A No.

Q Okay.

You've described yourself as the point person on the aftermath of Benghazi, and we've talked about how that included visibility with Congress and the code1 going over and meeting with people to go over their testimony or their prepared statements before they came to Congress and testified. Does that also include other -- let me ask, were you the point --

A Well, so I just want to make sure I -- because you've said a number of things in what you just said.

Q Yeah.

A So the first time we had our team going up to testify about what happened, that is the occasion where we sat and heard their statements as they stepped through what they understood. After that, people testified regularly, or went up more regularly, so there wasn't really the opportunity to do prep or otherwise. I'm not saying they didn't have prep, but I don't think I had the occasion to be able to always participate in any of those things. So I don't have a memory, other than that first one, with respect to that.

Q Okay. And that would have been in October of 2012?

A It would have been whenever -- it would've been in the lead-up to the time or the date that they actually testified.

Q Okay.

I'm going to hand you what I'm marking as Exhibit 8.

[Mills Exhibit No. 8

Was marked for identification.]

BY MS. JACKSON:

Q For the record, this is document number SCB0045770. It's an email exchange from Cheryl Mills dated November 13, 2012, at 3:02 p.m., to "H" and Philippe Reines. And the subject line is "Re: How are the hearings going?"

You've had a chance to read this?

A Yes.

Q Do you recall this?

A I recall -- I don't know that I recall this email, but I recall this moment.

Q Okay. Tell us about this moment.

A One of the challenges in interagency is everyone taking accountability for what are their areas and not seeking to suggest that things that were in their accountability were in other areas.

My experience in this context was there was a lot of back and forth, which was involving the intelligence community, about what was or wasn't known. And there was an effort to suggest that the Department had been apprised of things it hadn't, by leaving a misimpression in the way in which things were characterized.

And so my outreach was not only to, I believe, the individuals in the intelligence community -- but I could not tell you who; sorry -- as well as the White House to say, people are trying to

indicate State had information that they themselves didn't have, and this should be one team as opposed to people trying to suggest otherwise.

Q So "some of our colleagues" does not refer to anybody within the State Department?

A Correct.

Q Okay.

You've described yourself as the point person on the Benghazi aftermath --

A Well, you keep saying that, but I've embraced that.

Q Well, just as you were the person for Haiti?

A Sure. I embrace that. That would be, I think, a fair characterization.

Q Okay. So did that encompass things like going over the public messaging that was going out regarding Benghazi?

A So we had a whole team who actually did that quite well. And so "no" is the short answer. They would be part of making sure that we were, obviously, coordinated and understood what they were going to be saying and doing --

Q But you coordinated with them?

A -- but typically our communications was led by Toria Nuland, and then she would reach to other members of the Department for what she needed and how she actually would communicate different elements.

Q Okay. And you made sure that you put in place the document assembly and review and response group and delegated that out to others?

A So the A Bureau has a process that they actually -- sorry -- the Administration Bureau has a process that they step through, and that process actually entails both a review and then actually a preparation for production.

What I thought to do was augment that process for it by asking our senior leadership to give people who could be 100-percent dedicated to the review. Because review at the Department can be a very long process. And, typically, when the Administration Bureau had people reviewing, people come for 2 or 3 hours out of their day, and they go back and do the rest of their day work. And because the Secretary wanted the documents to be produced as quickly as possible, I asked for the senior leadership to give us people who could be 100-percent dedicated.

So that meant there were more people added to the effort than what might have been typical. But it is the case that that was the ordinary process that they would step through -- first a review and then a preparation of the documents that were reviewed that are defined to be responsive to be produced.

Q And was that still in place when you left in February, that level of intensity?

A I think that level of intensity, I don't know that it was continued into the next administration. I don't have visibility of that.

Q Okay.

Mrs. Brooks. Sharon, a couple questions on that.

Ms. Jackson. Yes.

Mrs. Brooks. Can you share with us who was on then the coordination team?

Ms. Mills. Yeah. So there's two elements. Primarily, because we were getting a lot of media and other inquiries where people were inclined to answer without knowing all the best information, so you then have to correct a misstatement, the coordination team was designed to do two things: one, ensure that the best information that had been gleaned could be shared; and, two, that people had visibility to the kinds of inquiries, media inquiries and others, that were coming in so that we weren't saying things inaccurately or, more often, saying things based on what one person said as opposed to what the whole record would show or what if you talked to four or five people you might learn.

And so the goal was to try to be coordinated in ensuring that we were responding more accurately or at least as accurately as we could in those time periods.

Mrs. Brooks. And who was on the team?

Ms. Mills. The coordination team were made up of individuals who were from the bureaus that had, if you will, expertise. So from DS, NEA, and L -- sorry -- Legal Affairs. We also had, obviously, members from Press Affairs there. We had members from Congressional Affairs on that team, as well.

I'm sure I'm missing others because I had asked the senior leadership to dedicate people to the effort of responding to not only the documents but also responding to information that we were

getting -- requests we were getting. But those would have been a lot of the likely offices that had representatives that were present. And they would switch people in and out if they needed to, but the goal would have been to try to keep as many people the same as possible.

Mrs. Brooks. And so, roughly, how large was it? How many people?

Ms. Mills. Oh, it probably had about, I don't know, 6 to 10 people maybe.

Mrs. Brooks. And did they meet on a regular basis?

Ms. Mills. We did a call in the morning and a call in the evening in the beginning, particularly given all the inquiries that we had, or at least that's my recollection. That tapered off eventually as things got less hectic, and so probably it would be, like, a call a day. But that's my best recollection.

Mrs. Brooks. And is that the group that would have looked through all documents before they were turned over, whether to Congress or the ARB?

Ms. Mills. There's a subset of them that would have been a part of that but not all of them, because the media and other people, obviously, weren't.

But the goal of having them be part of that was to be able to make sure that when a particular assistant secretary said, "Well, this is what happened," they could say, "Well, that's not what looks like when you were looking through all of the other materials or information. What looks like happened is X," so that you could be more accurate in

your communications.

Mrs. Brooks. Were you and/or Jake Sullivan part of reviewing documents?

Ms. Mills. So the A Bureau actually steps through that process, and then the review teams do that. The documents that I would see were documents where the team had looked through them and thought that there was a subset that I should see. Those typically meant that they were sharing new information, new facts, or other information that they thought it was important for the senior leadership to know.

I didn't have the capacity or the ability to review the documents they were producing. I acknowledge I was probably pushing pretty hard for them to get them out the door because our goal was to try to do that.

Mrs. Brooks. Did that happen on nights and weekends?

Ms. Mills. Yes. People were working pretty hard. I think it's fair to say people worked hard.

Mrs. Brooks. Did you review those on nights and weekends?

Ms. Mills. So I don't recall having occasions where I had to, per se, review on a night or weekend, though I was there often. And any of the documents that would have been brought to me were a subset of them, so they were typically things I could flip through and return to them.

Mrs. Brooks. Did you make any decisions on any documents that should not be turned over?

Ms. Mills. No.

Mrs. Brooks. Okay.

Mr. Jordan. Could I --

Ms. Jackson. Uh-huh.

Mr. Jordan. If we've got time, can we go back to the ARB?

I want to be clear. So you prepped Charlene Lamb before she testified in front of the Oversight Committee?

Ms. Mills. No. So what Charlene Lamb did was go through her testimony. So, basically, each person had written their testimony that they were going to give, and what they did then was read that testimony. And I participated when she sat and read that. So if you want to define that as prep, yes, but I want to be accurate about what I did.

Mr. Jordan. You reviewed her testimony before she testified in front of Congress.

Ms. Mills. She gave her testimony beforehand, that's correct.

Mr. Jordan. To you and to others at State Department.

Ms. Mills. Yes. Yes, that's accurate. There were at least four or five folks there.

Mr. Jordan. Okay. Well --

Ms. Mills. That's correct.

Mr. Jordan. -- Admiral Mullen, co-chair of the ARB --

Ms. Mills. He wasn't present for that.

Mr. Jordan. Understand. But he interviewed Ms. Lamb a couple days -- not he, but the ARB interviewed Ms. Lamb, I think, 2 days before she testified in front of Congress.

Ms. Mills. Okay. I didn't know that.

Mr. Jordan. At the hearings, Mr. Mullen indicated to us that he had given you a phone call. He called it a heads-up phone call about Charlene Lamb.

Ms. Mills. Uh-huh.

Mr. Jordan. And he said that he felt she was not going to be a good witness, wasn't going to reflect well on the Department.

Do you recall that phone call?

Ms. Mills. I don't, but I'm sure, if he said he did it, it happened. But I don't recall that phone call.

Mr. Jordan. Okay.

Was there anything in the selection process where you had talked to Admiral Mullen where you would indicate to them we'd like to be kept informed, we'd like to be given heads-up, we'd like to sort of know how things are going, in the process of this ARB?

Ms. Mills. No.

Mr. Jordan. No communication like that at all?

Ms. Mills. Well, so, if your question is when they were getting set up, please keep us informed, no. The direction to them was, please step through this as quickly as you can.

Mr. Jordan. Was there anything you relayed to Admiral Mullen that would maybe compel him or make him think it was the right thing to do to give you a heads-up about an individual he thought was going to reflect poorly on the Department?

Ms. Mills. I don't know that there would have been. I mean, I'm

glad he would have made that call because, obviously, our goal was to try to give accurate information out and have people be able to speak to what happened. But I don't know that there would have been.

Mr. Jordan. But did you --

Mr. Gowdy. I think, on that point, if I may, you said you were glad that he called.

Ms. Mills. Uh-huh.

Mr. Gowdy. From our perspective, there are neither good nor bad witnesses; there are witnesses. And if she is in possession of facts that Congress might be interested in, she's a witness we need to hear from.

So why would you be glad that he gave you a heads-up?

Ms. Mills. So I'm doing a counterfactual, because, obviously, as you all now know, I didn't remember the call.

My objective always is for the Department to be able to -- and by "the Department," I mean the staff in the Department. Sometimes I refer to it the wrong way -- but for staff to be able to give information that's accurate and clear and that helps people understand the truth of the matter.

If someone believes that we are going to put a witness forward that's not going to be accurate, clear, or give the truth of the matter, I don't think we should do that. I think our obligation to Congress and to the public is to make sure we're giving accurate, clear information that's truthful.

And I think that's why, if there was any reason he had a

reservation that fell into that category, I would want to know that. Because I would never want the Department to put up someone who was not accurate, clear, and truthful.

Mr. Gowdy. But why is it Admiral Mullen's job -- because I keep hearing the word "independent" in connection with the ARB. Why is it his job to protect the reputation of the Department, as opposed to being his job to make sure that he hears from witnesses who have actual access to facts?

Ms. Mills. I can't speak to the answer to your question, and I don't know that that was his job. But I do think that --

Mr. Gowdy. Which was not his job?

Ms. Mills. Well, you said why was it his job to do the following things. I don't know that any of those were his job.

My point was, I think that we have an obligation to tell the truth and to bring people forward who are going to do that. And if anybody has a reservation about that, I would always want to know that. Because I don't have perfect information, and if there is a reason someone believes that we would be putting forward a witness that wouldn't give Congress or the public accurate information, then I -- that's our obligation. We have to do that the best we can.

Mr. Gowdy. Which is exactly why I asked Admiral Mullen in that very hearing, "Were you concerned that she would give inaccurate testimony?" And he said, "No."

Ms. Mills. Oh, okay.

Mr. Gowdy. That was not his concern at all. His concern was that

she would give accurate testimony.

And so I guess I'm trying to square that with the word "independent" in connection with the ARB. When you have someone who's supposed to be independently looking at a fact pattern and they take time to call, not on the issue of veracity, but on the issue of appearance and advise not to send that witness, do you think that calls into question his objectivity?

Ms. Mills. I would never call into question his objectivity because I've had the experience of him, and he was, not only as the Chief of the Joint Chiefs but also through the ARB process, someone who called it like he saw it and also felt that there needed to be accountability for what had occurred. So my experience of him is very much that of someone who has been raised in a tradition of being truthful and straightforward and hard-hitting if he needs to be.

I can't speak to the other context. Obviously, I didn't have it. And, obviously, Charlene Lamb testified because she was the person who was in the role that would have gleaned the information and would have been able to share back what were the assessments and judgments made on how to balance the security needs that were being heard. And so she struck me, in the end, as the witness that should testify.

Mr. Jordan. Were there any other members of the ARB who gave you a heads-up or any type of contact to you in the course of their investigation?

Ms. Mills. In the course of their investigation, we had one briefing where they stepped through where they were in their

process -- and, by that, the other person who was briefed was the Secretary -- that they stepped through where they were in their process and that they anticipated being on time and what their own assessments were, but that they had not come to conclusions yet about accountability. So this was basically a briefing before they had stepped through their accountability elements.

And then, as they were preparing their report, they reached out to say, "We have a draft of the report." They shared that draft with me. I shared back my observations of instances where there were issues or facts that I thought were relevant for their consideration. They took them, or they didn't. Ultimately, they had to make that judgement.

Mr. Jordan. So you reviewed the draft before it went public, before it was released?

Ms. Mills. Well, the draft before it went to -- ultimately, it goes to the Secretary --

Mr. Jordan. Right.

Ms. Mills. -- and then it actually gets -- we made a determination to release it. ARBs are not always released publicly, but the Secretary had said she wanted to release this one publicly.

Mr. Jordan. And can you tell me the extent of edits that you and/or the Secretary made to the report?

[2:02 p.m.]

Ms. Mills. The Secretary didn't. And the Secretary did not, at least to my knowledge, review a draft.

Mr. Jordan. So Secretary Clinton didn't review it; you just reviewed it.

Ms. Mills. I reviewed the draft. That's correct.

Mr. Jordan. All right. And were there -- you said there was some suggestions. So what were the edits, what were the changes that you asked the ARB to make?

Ms. Mills. I can't tell you what were the different issues now, because that's obviously too long away. But basically what I stepped through was, if there was information that we had that didn't seem to be reflected there, I would flag that. If there were other reactions or observations I had, I would share that. And that's what I would have done.

Mr. Jordan. So I just want to be clear. First, you reviewed it. Second, you said there are changes that need to be made, and you gave those changes to the ARB. Is that right?

Ms. Mills. No.

Mr. Jordan. Okay. Well, then tell me what's right.

Ms. Mills. Okay. I reviewed it, and I identified areas where I either saw that there was, from my perspective, based on where I was sitting, information that wasn't present, information that might be different, or other factors that I thought were relevant for their

consideration in deciding what went in the document. And they then made their own judgment.

Mr. Jordan. Well, that sounds like changes.

Ms. Mills. I certainly --

Mr. Jordan. So you suggested changes?

Ms. Mills. I certainly made recommendations for places where I thought there were inaccuracies or misstatements or other information that might not be fully reflective of what the information was that was there. I certainly made those, yes.

Mr. Jordan. You reviewed it, and you recommended changes. It was up to them whether they implemented the changes or included them in the --

Ms. Mills. Yes. Recommended changes or flagged areas where I thought there might be inaccuracies.

Mr. Jordan. Change this, delete that, that kind of -- that kind of --

Ms. Mills. No.

Mr. Jordan. I just want to be clear.

Ms. Mills. Oh. Thank you.

Mr. Jordan. All right?

Ms. Mills. I appreciate that.

Mr. Jordan. You recommended changes. Then what happened? Did they do it or not?

Ms. Mills. So some they took probably, and some they didn't. My impression is that --

Mr. Jordan. Why is there a "probably" there? I mean, the final report -- you didn't look at the final report? The Secretary looked at it.

Ms. Mills. I did look at the final report, but what I didn't have is an errata sheet and say, "Oh, that's not there. Oh, that is there." I didn't do that, so that's why I don't have a frame of reference.

Mr. Jordan. You reviewed it, you recommended changes, and then you and Secretary Clinton were satisfied with the product, the work product, of the ARB when it was finally released.

Ms. Mills. So Secretary Clinton did not review it, and Secretary Clinton did not participate in that process. The report is going to Secretary Clinton. So I probably can't be clearer than just to say that really directly. It's going to her. So she does not participate in that process, because the report is going to her.

Mr. Jordan. So you reviewed it --

Ms. Mills. So she doesn't have to review a report that's coming to her.

Mr. Jordan. Got it.

You reviewed it, you recommended changes. So all that happened, and whether they implemented them or didn't implement them, you then presented that final product to the Secretary.

Ms. Mills. The ARB did.

Mr. Jordan. The ARB did.

Ms. Mills. The ARB basically took into account whatever other adjustments they made, and they presented their final product.

Mr. Jordan. So did you discuss with Secretary Clinton the recommended changes that you -- the changes you recommended to the ARB, did you discuss those with Secretary Clinton before -- you know, did you discuss those before they actually did the final report?

Ms. Mills. No, I don't recall discussing those with her. What I do recall is that they had made determinations around personnel, and I recall one of them being surprising to me, and I told her that I was surprised that they had made a conclusion about one particular individual.

Mr. Jordan. Did you ask for the draft before the final copy went to Secretary Clinton, or did Admiral Mullen, Ambassador Pickering, and the ARB offer to give you the draft before it went --

Ms. Mills. They shared the draft with us. Correct.

Mr. Jordan. Okay. And was that understood right from the get-go that that would be the process? So when you called Mr. Mullen --

Ms. Mills. I don't know. That's a fair question. I don't know. I don't know that I had any expectation one way or another, but I did review the draft when it came to me.

Mr. Jordan. And how did you convey the recommendations for change to the ARB? Did you put that in writing? Did you just tell them in a meeting? Was it over the phone? How was that done?

Ms. Mills. I believe I met with Uzra Zeya and shared my thought processes around that, but I could have also had conversations with the chair, Ambassador Pickering --

Mr. Jordan. Ambassador Pickering.

Ms. Mills. -- or Admiral Mullen.

Mr. Jordan. Did you get -- I just want to be clear again here.

Ms. Mills. Sure.

Mr. Jordan. You reviewed it. You made recommendations for changes. Was that a back-and-forth process, or was it one time? "Here's the changes I recommend. Okay, Admiral Mullen, Ambassador Pickering, you go work on it. And the next step is Secretary Clinton. Or the next step is back to me; we may want to look at this again."

Ms. Mills. No. We didn't look at it again. Correct.

Mr. Jordan. One time.

Ms. Mills. Yes.

Mr. Jordan. While those recommendations were pending, let's say, and made to the ARB, were there conversations back and forth between you and members of the ARB and/or staff of the ARB about how those changes were coming?

Ms. Mills. I remember having engagements with Uzra Zeya about the changes, not about how per se they were coming. But it was quite plausible that could have happened. I just don't remember that.

Mr. Jordan. Okay.

Ms. Jackson. And I believe you -- oh, are you finished? I'm sorry.

Mr. Jordan. One last question. When the chairman hands you one last question, you take that, and then you stop.

Ms. Mills. Take it.

Ms. Jackson. It didn't come my way, so I didn't have to ask it.

Mr. Jordan. Who selected Uzra Zeya to serve on the ARB?

Ms. Mills. She was recommended by Deputy Secretary Burns. She had been his chief of staff. She also, I thought, was a good recommendation in the sense that Deputy Secretary Burns is well-respected and well-regarded in the building. He's the most senior foreign service officer. And she, in being his chief of staff, when she reached to people, when she did that, people responded.

And so lending her to -- she wasn't his chief of staff, I think, at that time. She was going to another bureau. But lending her to this effort meant that the staff in the Department, who had enormous respect for him but also for her, would be responsive on behalf of the ARB.

Mr. Jordan. One last one. Any recommendation that you gave that comes to mind that they didn't implement?

Ms. Mills. I don't have a recollection of what they did or didn't implement.

Mr. Jordan. Nothing comes to mind, like, this was important and they didn't do it? Nothing comes to mind?

Ms. Mills. No. No. Nothing comes to mind. That's correct.

Mr. Jordan. All right. Thank you.

Ms. Jackson. We'll go off the record then.

[Recess.]

Ms. Sawyer. And we'll go back on the record.

Ms. Mills, thanks again for your patience in answering all our questions.

We're going to try to just work through a few clarifying things as quickly as we can. And, again, we've deferred some of our questions. We want to make sure that, you know, certainly, the Members who are present have every opportunity to ask you every question they want and need. And, certainly, we have questions on behalf of our Members, as well, but we will try to keep it moving along.

Ms. Mills. Okay.

Ms. Sawyer. Because, obviously, there is some overlap in the subject matters that we would want to cover.

BY MS. SAWYER:

Q So I just wanted to return for a moment, you had been asked about an August 17th information memo, and it was described as covering the deteriorating security situation in Libya.

Can you just briefly explain what an information memo -- what is the purpose of an information memo?

A So information memos in the Department are designed to share current learnings, current updates, and current understandings based on the circumstances that the drafter is preparing. So they're not action memos, which we also have, which is asking for a set of whatever other requested action to be taken. They are designed to actually give people visibility into whatever matter it is that is the subject of the information memo.

So, in this case, the information memo was designed to share about the political and security situation that was happening on the ground there in Libya.

Q And, again, at the very beginning of our conversation, we talked about formal mechanisms. There's obviously informal mechanisms. But would an information memo fall within the category of a kind of formal mechanism to make sure that information is getting shared up appropriate channels to appropriate people, you know, to the right stakeholders?

A Yes. That is the purpose of the information memorandum. And the Department has a number of different both channels and kinds of memoranda that they prepare, and that is exactly the purpose of that one.

Q And you mentioned "action memo." If one were seeking concrete action, would -- I mean, by its name -- it sounds like a ridiculous question, even me asking it -- by its name, it sounds like that is the mechanism that one would invoke to ask for particularized action.

A Yes. So that is the purpose of an action memorandum.

Part of the Department's framework is to try to make things simple and clear, not only because, obviously, different people come and go but also because you want to ensure that you know how to segregate and pay attention to materials that are coming through your inbox.

And so an action memoranda means that there's been a request for action to whoever is the recipient of that particular memoranda, meaning it's addressed to them, not that they were copied, but they were the person to whom it was addressed.

Q So an action memo could be addressed to, for example, the

Under Secretary of Management, Mr. Kennedy.

A Yes.

Q And he would then be the person who would be being asked to take the action, and he would have the authority, himself, to take the action, presumably.

A Presumably, people are good about directing the action memo to the people who actually have the authority to undertake the action. It's not always perfect, but that's typically what the intention would be in an action memo.

Q And I believe you said that you had seen the August 17 information memo. I don't recall if you felt you had seen it around that timeframe or if you learned about it later after the attacks.

A I learned about it later after the attacks.

Q Did you ever see in that same timeframe an action memo?

A No, not an action memo related to Benghazi.

Q Thank you for clarifying.

A Sorry.

Q And when I said "that timeframe," I was, you know, referring --

A Relating to the incident.

Q -- to kind of the information memo and that August timeframe.

Do you recall, with regard to an action memo, seeing one anytime prior to that -- and just to keep the timeframe from January 2012 onward -- an action memo relating to Libya or Benghazi?

A I do not.

Q And at any time prior to the attacks, did anyone relay to you a recommendation that the United States depart, withdraw its presence from Benghazi?

A No.

Q One of the other subjects that was discussed in some of the prior rounds was, on the night of the attacks, kind of the role of, consideration of deploying and using the FEST assets. And, to the extent you know and to the best of your knowledge, where is the FEST asset located? Is that a U.S.-based resource? Is it forward-deployed somewhere else? I mean, you know, forward-deployed before they're going to go somewhere else. I'm not a military brat or expert.

A We won't hold that against you.

Q Thank you.

A So my understanding of FEST teams is they are created for the purposes of being deployed when there's been an incident. And so they would be pulled from assets that we have here, or if there was assets particularly in a region that could be used to augment it, those would be pulled together, and the FEST team would be deployed.

Q And, then, on that night and in the conversations you've had and, certainly, information that's in the public domain, among other places, an unclassified Department of Defense timeline that Congress certainly has had since, I believe, November of 2012 --

A Okay.

Q -- there's reference to other military assets, including

the Commanders In-extremis Force. Are you familiar with that force at all?

A I'm not, but I -- I shouldn't say that. I'm not right now, as I sit here, just because I don't remember all of the different assets and teams that might be able to have been deployed or were deployed. At the time, I might have been more familiar, but right now I couldn't tell you that.

Q And when you are describing FEST, one of the first things you did was make sure that you were distinguishing between "FEST" and "FAST."

A Yes.

Q And you referenced "FAST" as a Marine --

A So my understanding of "FAST" teams were Marines deployments that would actually provide and augment support for different posts.

And we had a FAST team that, I believe, was either in Tripoli or was deployed to Tripoli right afterwards. My memory is not great in that regard, but I do remember that there was a FAST team there. And we made the determination that they needed to stay for a period of time longer than what might have been the initial expectation. That's my best memory.

Q So the FAST team asset was something that was being considered and, it sounds like from your recollection, actually was part of the response at some point in time to what was going on in Libya?

A That's my best memory. If there's a document that says

otherwise, please let me know, but that's my best memory.

Q Okay.

And, then, do you recall whether there was other discussion about U.S. special operation forces that were based in the United States and their potential deployment and role on the night of the attack?

A Well, what I more remember is people inquiring of DOD what assets were closer in the region as opposed to from the U.S., though I'm sure part of the U.S. would have been part of that analysis too. But, on the night when things were happening, I remember discussion around what was available in the region that might in any way be time-relevant to being able to provide security for our folks.

Q And, from your perspective, as you're being told about it, as you're hearing the conversations, there's a discussion about potential assets that might be closest available, was it your sense that these were significant forces that we were trying to amass to do what we could in Benghazi?

A It was my sense that we were trying to amass whatever we could. And when I think of what our capacities are, I tend to think massively, but there's because I've seen our forces operate that way. So that might be more my impression and overlay of what I would expect because of what I know their capacities are.

Q So, from my perspective as a layperson, was it your sense that basically everything was on the table that was a possibility and it was all being considered with considerable thought and seriousness and people were certainly taking seriously that they wanted to get

whatever they could get to Benghazi?

A Absolutely everything was on the table. And, like I said, obviously, the President made that clear too, and that was important. My impression was that we really had a lot of support from the interagency, who I felt like were very not only just humanly empathic but operationally committed to doing what needed to be done to try and secure our folks and get them out of there.

Q And then just to wrap up -- and I wanted to mark and give you an exhibit that we're going to mark as exhibit 9 for the record and for identification purposes.

[Mills Exhibit No. 9

Was marked for identification.]

BY MS. SAWYER:

Q And as you're taking a look at this, I'll just let you know this is a document that is posted on foxnews.com.

And when you were discussing the FEST, you mentioned Ambassador Benjamin in particular. And if you could just remind me who Ambassador Benjamin is, what his role --

A Ambassador Daniel Benjamin was the coordinator for counterterrorism in the Department. And the CT Bureau would have been the operational department that would have made assessments and decisions with respect to the deployment, as I understand it, of the FEST assets.

Q And this document, exhibit 9, indicates in its top line, "Latest from the STATE DEPARTMENT: Counterterrorism Bureau was NOT

cut out of the decision making on 9/11 (Benghazi)."

And then, two lines down, it indicates it's a statement by former coordinator for counterterrorism Ambassador Daniel Benjamin, posted apparently May 6 or submitted May 6 of 2013.

And then I just want to direct your attention, in the second paragraph, there's a description. And it says, "After the attack, the first question to rise that involved the CT Bureau was whether or not the Foreign Emergency Support Team (FEST) should be deployed."

It explains a little about the team, and it goes on to say, and I just would quote, "The question of deployment was posed early, and the Department decided against such a deployment. In my view, it was appropriate to pose the question, and the decision was also the correct one," end quote.

In terms of his roles and responsibilities, would he be the right person to be able to evaluate, even just looking back and making an evaluation, as to whether that was right decision or not?

A Yes. That was his role.

Q And I think his statement, you know, obviously speaks for itself here, but he is stating that it was considered early and, in his view, the decision was also the correct one.

Did you ever have a conversation with him about this?

A I might have had a conversation after all of the events and the facts when this FEST matter came up, post all of the events. But I don't recall having any kind of contemporaneous conversations as decisions were being vetted around what should or shouldn't be assets

that were deployed.

Q And then one of the things you were describing to us about potential deployment of FEST and the ways in which it's sometimes brought in, it sounded like it could possibly have also been useful here.

So, you know, in the next paragraph, even after the attacks in Tripoli, I think Ambassador Benjamin explains, and I quote, "After Benghazi, such a deployment would have had little positive impact and might well have complicated the difficult situation of U.S. personnel on the ground in Libya," end quote.

So it appears from this statement that he's also considered, looked back, assessed it, and his evaluation is that both on the night of the attack and in the aftermath of the attacks the appropriate decision was to not deploy the FEST team. Am I, you know, understanding that accurately?

A Yes, you're accurately characterizing his statement.

Q And he never indicated to you or you never heard him indicate anything differently than what's -- heard that he had indicated anything differently than what's represented here?

A That's correct.

Q Another part of the discussion in the last few hours, a few times there was an effort to talk about protests in contrast to attacks. And you were first asked that question in the context of what was going on in Cairo, and you were asked to clarify whether you thought Cairo was a protest or an attack. And I think at that point in time you

indicated Cairo was a protest.

A little later, you were asked to further define it. My recollection was you were asked, so what distinguishes a protest from an attack is the breach of a compound wall? Do you recall that?

A Yes.

Q And you generally agreed with that proposition, that what distinguishes a protest from an attack is the breaching of a compound wall.

A Certainly as I've been using it or we've been using it in the conversations that we've been having. I don't know that that stands up to a technical definition. But, in my frame of reference, that's what I've been distinguishing in my head.

Q So, using that definition -- we looked at a cable earlier, in the first time I spoke with you, that indicated that the wall in Cairo had been breached. So, using that definition, what was happening in Cairo was not a protest, it was an attack. Is that true?

A Yes, that would be accurate.

I don't have perfect memory of each one of the posts and what was happening. I have the memory that there were a number of them that were being attacked or that there were protests outside of and that we were deeply worried about the safety of our teams, and so we were spending an inordinate amount of time trying to ensure that we had the best strategies for keeping our teams safe.

Q Understood. And I actually didn't ask you to walk through that exercise with me in order to try to have you define for us

concretely what really is a protest versus an attack --

A Okay.

Q -- but to try to get a sense of whether or not these are somewhat fluid concepts.

A They are. I think that's very fair.

I think that, also, the fear always with protests is that people will overrun our embassies. And so, a lot of times in the 2 weeks or 3 or 4 weeks after what had happened in Benghazi, there would be massive protests that would sometimes be a mile away or 2 miles away, and they were headed toward our embassies, and we would be getting these reports, and we wouldn't know whether or not they would stop at our embassy wall or whether or not they would keep going.

And so part of our objective was to try to be forestalling the potential for people to confront the opportunity to make that decision through our efforts with the host nation, through our efforts with our own augmenting as we could, and through whatever other resources we might have to try and protect our teams on the ground.

Q And you were indicating in that explanation that, you know, there were concerns a group would be amassing or a mob would be amassing. You know, one of the other things that we have heard -- and I don't know if it was reflected in your experience and knowledge at the time -- is that, in particular in that region of the world, there also is easy access to weapons.

A Yes. And it is the case that particularly in a number of the places where our embassies were experiencing more serious threats,

breaches, harms, the access to uncontrolled weapons, be that in Sudan or in Tunisia or in Yemen, in Egypt, was prevalent.

Q And it seems to me that, in considering one of the risks of a large group, a mob, a protest is the fact that I think there were -- it was reported as hundreds, at least, of people in Cairo. Certainly, in any group, it's impossible to know the makeup of that group. Is that accurate?

A Correct.

Q So you could have a group that had individuals who were gathering to engage in what might be at one end of that spectrum as a peaceful protest as well as individuals in a group that people would characterize as being there for far more nefarious purposes -- extremists, for example.

A Yes, that's correct. I think often in protests there are different elements and different elements are arriving for different reasons, and you don't have a way to assess who is falling into which side of that equation.

And so part of our objective was to try and create perimeters and support so that, to the extent any of the most nefarious elements could hide within what might appear to be a peaceful protest, we had the best opportunity to ensure they didn't do harm to our teams.

Q And so, thinking about what was happening throughout the region at that point in time, was it possible for you all to know, with regard to any of the unrest that was happening, what the makeup in any particular country was of individuals who were coming to our facilities

and engaging in a range of activity, from protesting to breaching the wall to tearing down the -- in Cairo, the flag was removed. In other places, there were people amassing at our embassies with black flags.

Was it possible for you to be able to tease out with certainty what the makeup of any of the groups in any of those countries was?

A No. And that's what made it so fearful, right? Because we didn't know. We just knew there were people, there were many, and they were amassing, and that our embassies are not built for if there is going to be a massive show of force against them. They're built to withstand a certain number hours of life.

And so our goal is always to try to extend the perimeter that would have to be breached if they were coming for our embassy. And so that's what we would do, whether or not it was going to ultimately end up being a peaceful protest or one that was not peaceful. We would react similarly.

Q And so I wanted to show you what we're going to mark as exhibit 10 for identification purposes.

[Mills Exhibit No. 10

Was marked for identification.]

BY MS. SAWYER:

Q This is a document that we obtained from opensource.gov, and you may be able to explain for us exactly what that is. I know what it is from my understanding as an outsider to the State Department.

But, just for identification purposes, it's a two-page document. It indicates up at the top, "Unclassified, but for official use only."

And the title line is, "Video: Ansar al-Sharia Statement on U.S. Consulate Attack in Benghazi." It's got a date down below of "12 September 12," which I assume is 2012. It's right below that title line.

First, can you explain what Open Source is?

A Open Source is a -- I don't know that I can perfectly explain it, but it is a location from which information that has been gathered in nonclassified ways can be shared for others to be able to access.

Q And do you happen to recall whether you -- well, this, as I understand it, there's a -- just to describe it for the record, there's a bit of block. It looks like, if you were actually online, you could click on the video.

A Right.

Q And then there's text. And the, you know, first full paragraph explains that this is a 5-minute 1-second video that starts with a caption that reads, "Statement by the Ansar al-Sharia Brigade on the Incident at the U.S. Consulate in Benghazi."

So my understanding of what this is is that, if we were looking at the video, it would be in Arabic and this is the translation.

A This would be -- at least my understanding would be the same as yours, that this would be actually an English version of what was being said in the video.

Q So, down at the bottom of the page there, of the first page, that paragraph, the last paragraph, the second sentence there says, "Our Prophet, God's prayer and peace be upon him, has been assaulted

and derided by some people in the United States and other countries. There, there is an American pastor who is known for his animosity to Islam and Muslims, supported by some of the Copts in Diaspora."

That discussion there, would it be your understanding that that is a reference to -- we spoke, when I first spoke to you, about a film and Pastor Terry Jones. Would that, from your perspective, be a reference to that video of Pastor Jones?

A That would be my assumption.

Q And then, on the next page -- and I'll just direct your attention to the last two paragraphs, the one that begins, "So, deriding Islam and the master of the sons of Adnan [Prophet Muhammad], prayers and peace be upon him, must be dealt with sternly. What is important is that it was a popular uprising in which all Libyans participated in support of the religion of the Lord of all creation, and in support of the master of all messengers, may the best of prayers and salutations be upon our Prophet."

Right there, you know, it indicates that there was a popular uprising. And this is Ansar al-Sharia.

And so, you know, we were just talking about the fact that whenever there is a group or a protest, you know, it's hard sometimes to tease out the elements. Do you recall hearing at any point that night that Ansar al-Sharia -- first, I think you mentioned that you had heard that they had taken responsibility or admitted responsibility.

A Correct. I had heard that Ansar al-Sharia had taken responsibility and said that they were the ones who had breached and

caused the incident in our embassy.

And then I subsequently understood -- and I can't tell you in time when it was. I don't believe it was the same night, but it might have been -- that they were withdrawing the credit that they were claiming for attacking our folks.

Q The very next paragraph gets toward that point, and it begins with, "The Ansar al-Sharia Battalion did not participate in this popular uprising as an independent entity." Then they go on to say they were fulfilling a duty to their religion. And I think the second-to-the-last sentence, "Rather, it was a spontaneous and popular uprising in response to what the West did," end quote.

So do you recall hearing, in conjunction with them walking back or, you know, denying that they were the primary actors, that they acknowledged or they claimed that there had been a spontaneous and popular uprising that they had participated in, at least?

A I don't know if I recall that at the time. I know there was a lot of confusion around whether or not what had happened that evening was spontaneous, whether or not it had been a dedicated attack, and whether or not Ansar al-Sharia was or wasn't stating or overstating their engagement and involvement. And I just remember feeling angry about Ansar al-Sharia just because it was such an incredible thing to have done, particularly in this country.

Q And you acknowledged that there was, certainly, confusion. And I think in your answer you acknowledged that there could be many purposes for posting this kind of a message.

In terms of clearing up that confusion, kind of figuring out what this meant in the context of what had happened in Benghazi, kind of who had perpetrated the attacks and why, who within the U.S. Government would take lead to really do that, both gathering of information and assessment?

A Well, because in the end this ended up leading to the death of four Americans, our Department of Justice and our FBI would become the long-term partners in seeking to bring people to justice for the deaths of our colleagues.

But I would also say that it is the case that each agency who had any involvement or equities would obviously be seeking to do their very best to learn what had happened and how it had happened and how it might not again.

Q Uh-huh. And so that would include the State Department, and that would include --

A It would include the State Department. It would include our intelligence teams, because often, when you are in other countries, part of what you rely on is the intelligence that you're able to glean.

Those would be the two agencies, at least for me, that would be front and center who would be assessing that. But everybody would be looking at, to the extent they had equities or things that they were supposed to be doing, how they did them, be that DOD in assessing what they would or could have done, the NSC in making those same assessments. Everybody would have done their best to basically ensure that they understood what had taken place and how they could have acted any

differently or better.

Q And this translation on Open Source, that would be certainly an authoritative source to be able to rely upon the actual translation here. There would be no reason to doubt that this was translated inaccurately --

A Oh, I wouldn't doubt the translation. I don't know whether or not Ansar al-Sharia properly should or did do all the things that they represent, but the translation would be the best translation that could be done.

Q So it would be an accurate representation of what Ansar al-Sharia said, whether or not those facts, in the end, proved completely true or not.

A Right. It would be an accurate reflection of what they said.

Q And to the extent there was conversation in the SVTCS about Ansar al-Sharia and the potential role of Ansar al-Sharia that night, did you have any reason to believe that the intelligence community and then ultimately the FBI and the DOJ would not have been gathering information that would include if they believed, if the notion was that Ansar al-Sharia was potentially involved, statements from/posted by Ansar al-Sharia shortly following the attacks?

A They would have taken this into account.

Q So it would have been part of the initial assessment being made by a whole host of folks who were responsible for figuring out the who and the why of the attacks in Benghazi.

A Yes. It would have been taken into account, not only for those seeking to understand what had happened and how you might bring people to justice, but our intelligence community would have been incorporating this information into their best understandings of the intelligence regarding what had occurred.

Q Now, one of the things that has been very clear in the past 3 years is that there has been exhaustive examination of and the parsing of exact words that were used in the immediate aftermath of the Benghazi attack with regard to how that attack was described in the press to the American people. You described, I think quite well, a process that seems -- you called it "confusing" at one point. You just said it was confusing to try to suss out all the details.

You know, given the fact that, in the aftermath, I presume -- and you've described all the efforts that were going on that night, certainly, to gather information by you and your colleagues. I presume that was happening throughout every agency.

Given the fact that information was still being gathered -- presumably you didn't have all the facts yet. In my mind, there's always going to be then a risk, as the facts are evolving, if you're going to go out and speak publicly about it, there's going to be a risk that some of those initial assessments, some of those initial facts prove false.

So how did the State Department work to try to, you know, take that into account, to advise people that there's a risk that we can be wrong here?

A This is the most challenging thing, I think, for big institutions to do well, because it's hard to always get all of the information in a way that allows you then to make a clear assessment, one, because information flows through people, and their perspective of what happened, without the benefit of everything else, sometimes means they don't have the full picture, but they have a definitive picture and a piece of it.

At the Department, part of what we tried to do was to be taking into account all the information that was coming from multiple different sources. So, on the night involved, it was trying to ensure that that information was flowing in a way that our operations center was seeing it, because that presented a place for centralization of information, but not perfectly because there were all these other channels that were happening.

And so part of it is trying to figure out how you can hold all those things and how you can ensure there is visibility and clarity so that you make the best judgment. And I think that's a government-wide challenge. The Department is no different. As terrific as people are there and as hard as they work, it's a complicated thing to do well, because if you don't have every piece of information, then you might make a judgment one way that you would make differently if you had one other piece.

Q Given the difficulty of doing that, given the risk -- I mean, there is some risk if you go out and you try to give an assessment -- well, one question: Given that you do know that there's

that risk, did you take steps, you and your colleagues, to make sure that when you spoke about it you made Congress and the American people aware that the facts were still being gathered, there was an investigation ongoing, that these assessments may evolve and change over time?

A That was our intention, and that's what we sought to do. I'm not sure if we did it perfectly every time, but we did our best to indicate that information was fluid and our ability to understand what occurred was fluid, and so we could only give what we knew in a particular moment, which might evolve once there was more and better information or more time to be able to distill what information was there.

That was certainly our intention and certainly our best effort, to try and get out the information we had the best we had it at the time.

Q And, given the risk that it might change, and even if the best efforts, you know, in good faith prove that some of the facts and some of the early assessments were wrong, given the risk that you then may be subject to intense criticism, sometimes maybe seven or eight congressional investigations, there must be an -- I mean, there must be some -- in that kind of balancing the risk and putting information out there that isn't completely known, there must also be a tremendous value or a reason to want to be able to do that.

So could you just help us understand kind of why it was that, at the time that information was -- what's the value to doing that, the

value to informing Congress, your partners, the value to informing the American people, the value potentially to informing other governments that we work with throughout the world?

A My belief is that -- and this is mine -- that, in the end, most people want the best for a country who are working in our country, whether or not they are working in government or whether they're in the public. They want to believe we're the best, and they want the best out of us. And that means we have to try hard to deliver that, and that also means we have to own up when we don't.

But when something like the loss of four individuals happens, the public wants to know why, and they want to know that they're safe. The public wants to understand whether or not we're putting people in harm's way and, if we are, for what value. And those who serve in government, whether or not they serve in the Congress or in the executive branch, want the same.

And part of why we did our best, and an imperfect best, to try and share information as we learned it and to share what we understood was so that that process could be an evolution and a participatory one.

That does mean you are sometimes subject to criticism. It does mean there are times where people, properly and improperly, call you to task. But you have to do it because you have to every day believe that the only way we get better is by trying.

Q And as you all were trying, making your best efforts to achieve those goals, was there ever an effort to conceal facts, distort the truth, in order to spin a particular political narrative?

A No. And I say that because I -- look, I'm the most nonpolitical person that ended up playing political roles, which is always the kind of irony of my life. But I say that recognizing now, after having been in government twice, that that's a hard concept and that not everybody embraces that. And I accept that very deeply, because I've obviously been around government a long time.

But I do think people genuinely want to -- who serve want to serve, want to do a good job, and want the approval of others who they're serving. I don't think they are trying to do that poorly. I think they're trying to do that the best they can.

Q So I wanted to return to a part of the subject that we left off the last round of questioning, which had to do with your engagement with the Accountability Review Board. And I just wanted to start with the place we left off with regard to their final product, the draft report that they sent to you.

You indicated that they shared the draft with you; you recalled submitting some comments. Was there a further back-and-forth with anyone about any particular comments you had made or any particular suggestions?

A There absolutely might have been, so I'm not trying to say that there wasn't a dialogue. My impression is that I had my thoughts; I shared those thoughts. And, obviously, they had to make their own determinations in the end, because they had the benefit of information that I wouldn't have, just as I might have had information that had not yet surfaced to them, though I would hope that that would have been

very little. But, in the end, they had to submit the report that they believed was the report the Secretary should get. And that's what they did.

Q And, to the extent you can recall, would you have characterized the things you suggested they change, concrete changes, as minor edits? Major edits? Were you asking them to revisit and change any of their factual findings, first?

A No. The reason why I keep saying -- I believe there was an instance where there might have been something that they had inaccurately described about either department operations or something. So that's just the only one, actually, that stands in my head, because I remember thinking, well, that will stand out as maybe not a comprehensive understanding of how -- because it's an easily understandable thing. And that might have been a drafting error, that might have been something else.

That's the only thing in my head, and I can't even tell you what it was. But that's my best recollection of the kinds of things that I was sharing.

Q The one thing you did mention that I recall was that you were surprised there were some recommendations contained in the classified --

A I was surprised by -- I was surprised by one of the personnel recommendations.

Q And did you ask them to do anything differently with regard to that recommendation?

A I asked why that recommendation had been made. Like, it wasn't transparently obvious to me in the draft why that recommendation would have been made.

Q And the bottom-line recommendation -- and, again, that's information not in the public domain --

A Right.

Q -- the specificity of that, so I don't want to go into the details. I just want to know, at the end of the day, had you asked them to do something different with regard to the bottom-line recommendation?

A I asked why they were making the recommendation and that the report needed to be transparent about that recommendation.

They had a reason that came out of their interviews that they did with the individual. But that was not a reason that, at least in my memory, was transparent in their initial draft. And, because the person was junior, it was an odd -- it struck me as unusual that that person would have been deemed accountable in the context of the role that this gentleman played.

Q And, in that final version, had they made more apparent their rationale or had they satisfied you that the recommendation they were making was explained?

A I just don't remember. And I obviously don't have access to the final report to look. I don't remember now. But I do remember I was surprised by that and expressed my surprise.

Q Were there any particular criticisms of the Under Secretary

for Management, Patrick Kennedy, that you asked them to remove?

A Oh, no.

Q Anything at all about the role of the Under Secretary for Management, Patrick Kennedy, that you asked them to change in any way?

A No.

Q Did you ever, in that process, attempt to exert influence over the direction of the ARB's investigation?

A No.

Q Did you ever try to -- did Secretary Clinton ever try to exert influence over the direction of their investigation?

A No.

Q You were asked some questions about both your role in terms of helping collect and coordinate responses to, you know, requests for information, it sounded like, from a whole host of folks -- Congress, you know, the press presumably, probably the Secretary at times, other colleagues.

A Uh-huh.

Q In a broad-brush kind of way, in your role, whether it be, you know, helping to collect or helping to review, did you in any way, yourself, remove any document that was relevant to or related to the attacks in Benghazi and destroy that or prevent it from getting to the Accountability Review Board or Congress or to the Secretary or whoever had asked you for the information?

A I did not.

[Mills Exhibit No. 11]

Was marked for identification.]

BY MS. SAWYER:

Q I am going to show you what's been marked -- we're marking as exhibit 11 -- and I'm going to show you this, because I don't want to belabor the point overly, but this was a specific allegation that we've already spoken about about Mr. Maxwell. But the allegation -- I think, you know, there are a number of allegations embedded within this. And I think the one way in which you responded was, you know, just by saying you had not seen Mr. Maxwell, as far as you could remember, at a document review and particularly this document review session.

You know, in the article, Mr. Maxwell says that he was told, you know, that one purpose for reviewing documents was to, quote, "go through these stacks and pull out anything that might put anybody in the [Near Eastern Affairs] front office or the seventh floor in a bad light."

And, you know, setting aside this particular instance and whether there was a basement review process going on, did you ever give anyone any instruction that they should pull out anything that might put anybody in the NEA front office or the seventh floor in a bad light?

A I did not.

Q Did you ever instruct anyone to pull out documents that might put Secretary Clinton -- paint her in a bad light?

A I did not.

Q Did you instruct anyone to in any way kind of remove or destroy or scrub documents that might not reveal the full and complete

story about what happened in Benghazi?

A I did not.

Q Did anyone ever come to you -- you were kind of the point person for the Department on making a lot of these wheels go around. Did anyone come to you at the time or any time after and express concern to you internally that there had been efforts, that there had been orders to flag, remove, scrub, destroy documents that might look damaging to the State Department?

A No, they did not. And the A Bureau keeps a copy of everything, so they are the repository that holds everything. So there are only then copies made for review. So, no, that didn't happen, and the complete repository always stayed with the A Bureau. It never left.

Q So if anyone were going to propose or think about doing this, it's a pretty high-risk gambit, because ultimately the A Bureau is going to have the master copy --

A That's exactly right.

Q -- and if documents are scrubbed, there's going to be an evidentiary trail. Is that accurate?

A Correct.

Q And, certainly, you knew that at the time; is that correct?

A Yes. But, also, that's how the Department processes its document requests, so I think that is something that has been their practice, at least as I understand it.

Q Just a very brief question for you. You were asked a number

of questions about a code1 that involved Congressman Chaffetz. A letter about that code1 went from Senator Grassley on the Senate side and on the House side from House Oversight Chairman Issa to the inspector general asking for an investigation of that incident. Were you aware of that?

A No, but -- "no" is probably the short answer to that question.

Q So you don't know whether there was an inspector general investigation? You wouldn't know what the outcome of that investigation was?

A I don't as I sit here.

Q But, presumably, if there was and it was requested by standing committees of the House, certainly anyone on one of those standing committees would have knowledge of whether there was an inspector general report and its outcome?

A I would assume so. Was there? Sorry. I know I'm not supposed to ask you questions.

Ms. Sawyer. So we're just going to go off the record so I can talk to the Congressman for a second.

Ms. Mills. Okay. I'm not going to go anywhere. I'm going to sit right here in my chair.

Ms. Sawyer. Don't run away from us yet.

Ms. Mills. I won't go anywhere.

[Discussion off the record.]

Ms. Sawyer. So, again, thank you. I think that was, you know,

a very helpful clarification for me.

I know the ranking member had a few questions for you, as well. And then we will, you know, conclude this round for us and turn it back over to our colleagues.

Ms. Mills. Thank you.

Mr. Cummings. Ms. Mills, thank you very much for being here. We all do appreciate your cooperation. We really appreciate it.

Ms. Mills. Thank you.

Mr. Cummings. All right. I just have a few questions.

Did you ever get the sense or impression that Secretary Clinton was not fully engaged in the crisis response with regard to Benghazi?

Ms. Mills. No. Quite the contrary; she was very engaged. And I think, as I said maybe a little bit earlier, it took some people aback when she even decided to go to a staff-level SVTCS because she was deeply concerned about and engaged in what needed to be done to secure our team and hopefully bring them to safety.

Mr. Cummings. I take it that around the time that -- and, by the way, I'm sorry. I had to go back to Baltimore and then come back and then go back, and I'm going to go back --

Ms. Mills. Thank you for --

Mr. Cummings. We've got --

Ms. Mills. -- taking time to be here.

Mr. Cummings. In Baltimore, we have all kinds of little crises going on, so I apologize.

Ms. Mills. I used to live in Dundalk.

Mr. Cummings. All right.

Ms. Mills. They always had crises.

Mr. Cummings. So you had an opportunity to be in contact with her, I guess, constantly after she found out what was going on.

Ms. Mills. Yes, that evening. She was there late that evening, and I was too.

Mr. Cummings. And what was demeanor like?

Ms. Mills. She was very concerned. She was also very determined that whatever needed to be done was done. And she was worried. She was worried not only about our team on the ground in Benghazi but worried about our teams that were on the ground in Libya and our teams on the ground in a number of places, given what we had seen unfold in Egypt.

Mr. Cummings. Did she seem uncertain as to how to respond?

Ms. Mills. No. She was very -- she was very certain. And, indeed, when we said it was going to be a staff SVTCS, which was our diplomatic way of saying that maybe she shouldn't be attending, she said, "I'm coming." And so we tried to make sure the rest of the interagency knew ahead of time that she was going to be on, but we were unsuccessful, so they were surprised when she sat down.

Mr. Cummings. So were you surprised by that?

Ms. Mills. I'm not surprised, because that's her approach. She's a person who steps in and leads. She's someone who, when there is accountability, takes it. So I wasn't surprised. But I know that it can sometimes be intimidating to other staff that there is a principal present.

And what she really was communicating that night is, "I'm here because I want my team safe. I'm not here because I'm here for any other reason than trying to get their safety. And whatever we need to do to do that I want to do."

Mr. Cummings. Well, one thing that is often overlooked is the fact that Secretary Clinton, like others in the Department, lost members of her team who were part of the State Department family. Can you share with us on a more personal level what that meant to her?

Ms. Mills. I think she was devastated. Ambassador Stevens was someone she had a lot of confidence and respect for. And his guidance and his way was a compelling one. And the notion that he had been murdered, I think, was something that all of us thought was unbearable, but I think she particularly felt the pain of that.

She also felt the pain of the loss of other Americans that were there that night, whom she didn't have a personal relationship with but who she knew were there because they were trying to further our own interests. And so she felt very strongly about claiming all of them, even at a time where there was ambiguity about how that should or shouldn't be done, but also in honoring their service and what they had done.

And, in the days afterwards, she spent time reaching out to our team in Tripoli, constantly trying to determine if they had what they needed, constantly trying to remind people that, while we all have jobs, people are fragile and you have to remember the fragility of people and their humanity and you have to give respect to that.

And she made herself consistently present to people on her team because she wanted them to know that, as hard as this was, this was something that required us all to bear witness, to learn, and to try to be the very best we could in those moments.

Mr. Cummings. You spoke of the Tripoli -- or talking to the folks in Tripoli. Did you have this -- the next day, I think it was. Did you talk to her about that before she did that?

Ms. Mills. She said she wanted to talk to the team on the ground there.

She also shared that she really wanted to ensure that the President made calls to our teams not only there but in other locations where they were experiencing challenges, and that happened over the next week or so, because she thought it was important that they knew that the country appreciated and stood with them and cared deeply about not only the loss but what they were continuing to live in in the moment, which was a lot of uncertainty.

Mr. Cummings. That's all I have for the moment.

Ms. Sawyer. So thank you.

We'll go off the record and take a break.

[Recess.]

[3:38 p.m.]

Ms. Jackson. All right. We are going to start hopefully our final hour. I think it should be our final hour.

BY MS. JACKSON

Q Ms. Mills, when did you first learn that Secretary Clinton did not want to use an official government email account?

A Secretary Clinton had her own email account from when she was a Senator. And when she came --

Q Was that a personal one or an official one?

A She used a personal one as a Senator, an AT&T one, if I recall. And when she came into the State Department, she continued to use her personal email address.

Q Okay. When she was a Senator, did she have an official government account?

A I don't know. I didn't work for her when she was a Senator, so I don't know the answer to that question.

Q Okay.

When did she change her personal email address from the AT&T one to the clintonemail.com one?

A I believe that happened sometime in March. I only say that because I know that we had to change email addresses where we emailed her, and that's the time period that I remember that happening, sometime in March.

Q Did she discuss this with you, or did she just inform you

what she was going to do?

A I recall she was going to be using her personal email account because it gave -- like what she said -- her the convenience to be able to email her family and friends as well as email about work. And so what she's articulated is probably the best recollection I would have at that time, yeah.

Q Did you offer any opinion or try and dissuade her from doing that?

A I don't recall that I did or that I didn't. I knew that there had been a prior Secretary who had used a personal email, so I don't know that I had a thought process around that one or way or the other. I might have, but I can't take myself back to that moment.

Q And did you know that in January, February, March of 2009?

A Yes.

Q And how did you know that?

A I understood that because Secretary Powell, at least as I understood it at the time -- there were others in the Department who were familiar with that, as well. And I might have learned it in other ways, too. But I do know that I was aware that he was one of the people who had used a personal email account.

Q And is that information that you sought out?

A No. Quite candidly, I don't know that I really thought much about email at that time. I know everyone does now, but I don't know that I did.

Q Okay. Who at the Department knew that?

A I don't know. Because -- I don't know how to basically take myself back to that moment.

Q Uh-huh. Did Patrick Kennedy know?

A I don't know. I don't know, like, how to recreate a time period where that wasn't something I was focused on. So I don't know.

Q Well, who was at the Department at the time that Secretary Powell was there that you interacted with on a regular basis?

A Well, there were lots of folks who were obviously -- look, the Department is filled with career and noncareer officials.

But my impressions was that that was something he had done. He had recommended that when -- when there were -- all the Secretaries met that read his book. I knew it was in his book. Because that was one of the things we were doing also as you come in, is learning about other people's experiences.

But I can't tell you -- I can't tell you that I have a cognizant moment of how that information was transparent to me.

Q Okay.

Was anyone consulted about Secretary Clinton exclusively using a personal email address for her work?

A I don't recall that. If it did happen, I wasn't part of that process. But I don't believe there was a consultation around it, or at least there's not one that I'm aware of -- maybe I should better answer that way -- based on my knowledge.

Q So no private counsel?

A Not that I'm aware of.

Q Okay. The general counsel for the State Department?

A Not that I'm aware of.

Q Okay. Anybody from the National Archives?

A Not that I'm aware of. But I can only speak to my knowledge, obviously.

Q Sure. And anyone from the White House?

A Not that I'm aware of.

Q Okay.

What was your opinion of whether it was a good idea or not?

A I don't know that I focused on it the way that I of course now wish I had. My own observation was that, to the extent it allowed her to be able to connect with her family and connect with work, that is how she used it. And I don't know that I had more reflection on it.

Q Were you aware of the Federal Records Act as a statute?

A Yes. I am aware of the Federal Records Act.

Q And the regulations and State Department policies that govern the records management of the State Department?

A So I think what I have learned about the State Department through this process is I would have anticipated that the Department email would be maintained and so that, when she was communicating with staff on their State accounts, that that would be something that was maintained.

So I would have told you that at the time. I've come to learn that that is not, obviously, the case. But that's what I would have

told you if you were asking me at that time. That's what I at least understood.

Q Did you use an official government account, a state.gov account?

A I did.

Q Okay. And why did you make that choice?

A I don't know that I reflected upon it that deeply. There was an ease in which, if you were on the system, everybody's email would populate. But I don't know that I reflected on it other than that was my email account so I was using it.

Q And did you have a personal email account at the same time?

A Yes, I've always had a personal email.

Q And you use that for family and friends?

A I typically use that for family and friends, that's correct.

Q Who all in the State Department was aware of the Secretary's exclusive use of a personal email account?

A A large number of people, primarily because that's how she communicated with her staff in the Department and she would communicate with others outside the Department, as well. So it was certainly a number of folks that would be aware.

Q Did it go down to the Assistant Secretary level?

A There were Assistant Secretaries that she would email. Toria Nuland -- "yes" is the short answer. Yes.

Q Okay. Do you recall whether she could email with Jeff Feltman or Beth Jones?

A Yes, she could email with them. I don't know if she did, but she could.

Q Did they have her personal email address?

A I don't know. I mean, I think at different times people might or might not have her address.

You know, in the day, because as a practical reality she worked in a SCIF, she couldn't email during the day because her BlackBerry had to be locked up outside. So, when she was working during the day, as a practical matter, it was typically the case that she would be engaging by phone or in person.

And she's the Secretary. She gets to really rock ops. You know, she gets to use the operations department however she wants, which means they find anybody and everybody for her at a dime.

Q How did people get her personal email address?

A She would email them. Or if somebody wanted her email address, they might ask myself, they might ask Huma, they might ask [REDACTED] who was her assistant, for her email address. They might ask any number of people for her email address.

Q Were the three that you've listed you, yourself; Huma; and -- was it [REDACTED]

A [REDACTED] was her executive assistant.

Q Okay.

A Yeah.

Q Were the three of you that were primarily responsible for deciding who would get her personal email address?

A No. She would email people if she wanted to email. So, no. But we would be people who would know it. But there were also other people. People would ask Jake. They would ask, you know, Wendy Sherman. They would ask Bill Burns. If there were people who were aware of her email address, they would ask for it if they thought they needed it.

Q Do you recall whether anyone ever brought it up to her that it wasn't a good idea to exclusively use a personal email address?

A I don't have a memory of that. So I obviously can't speak for her.

Q Okay.

You have described before as to how the A Bureau was the repository of documents to respond to any number of requests out there. Did the A Bureau know that she was exclusively using a personal email address?

A I don't know the answer to that question.

Q Let me ask this. Did you ever inform them?

A I never had a conversation with the A Bureau about that, but I wasn't frequently in a conversation with the A Bureau. So I think the real place where information might have flown would be, obviously, in her front office with the special assistants.

But I don't have a recollection of ever having had a conversation with the A Bureau, and I don't know if she would have. I would be surprised, but I don't know.

Q Did you direct anyone to tell the A Bureau to be on the lookout for responsive records that would have been sent to or from

her personal email address?

A No. But, obviously, if she was emailing someone to their State accounts, those, at least as I understood it, would be captured.

Q Okay. Did you or anyone else instruct the A Bureau that they needed to look at the other senior leader members' email accounts to look for her records?

A So each individual was accountable for producing their records, and so you had to produce your records, as opposed to the A Bureau coming into your office to produce them. When they would sent the request out, each person had to go through and produce their records.

Q So you never relied on the IT department to go in and do a search of records?

A I don't know that they did or didn't. And I don't know what their capacities are. And I'm even less certain as to their capacities today than I was when I was there.

Q Okay. And did the senior leadership have a separate IT department?

A There is a division called POEMS. I don't know that POEMS only deals with the senior leadership, but I know that there was a -- well, certainly, when I had issues with my computer or my technology, there was a unit I could call and say, "Could you please help me?" And I don't know how to think about their relationship to the rest of the broader IT, but it was my sense that they would try to be responsive to us and to me. And so that made me think of them

differently. But I don't know, if you actually looked at it in an org chart, whether or not they were.

Q Would you please tell us about your knowledge, awareness, or involvement in the campaign server being relocated to the Secretary's personal use?

A I didn't have any involvement in that, so I can't.

Q Okay. Did you know that it was happening at the time?

A No.

Q Okay. When did you learn?

A I've learned subsequent to all of these matters that have been raised.

Q Okay. And when was that?

A I don't know that I could tell you when that would have been. Like, I don't know that I have a time window on when that was, because I have obviously learned a lot more about all of this in the last 6 months to -- 6 to 8 months. So I don't know how to answer your question. I don't know the answer to that.

Q Okay. Was it when the State Department contacted you about seeking return of the Secretary's records?

A No. The server that she had during the tenure where she was at the Department was the server that ultimately she migrated from when she left the Department. So I don't know that it would have been at that juncture, actually. It might have been at an earlier juncture.

Q Are we talking two different servers? I didn't quite follow your answer.

A Well, so, when she was at the Department, there was a server that now is at the Justice Department that hosted all of her emails. She left the Department in February, and, at some point, her emails and the emails of her family ended up being hosted by Platte River Networks. And so that transition would have happened after she left. And the server that had hosted her emails when she was here would have been the server in question.

Q Okay. During her tenure as Secretary of State, was there just one server?

A To the best of my understanding, as I sit here, but I obviously didn't have contemporaneous knowledge of that. But that is my best understanding.

Q Okay. And do you where that server or have you subsequently learned where that server was physically located?

A That server, as I understand it, was physically located at her home.

Q Which home?

A Good question. Chappaqua. Her home in New York, as I understand it.

Q And who told you that?

A I don't know the answer to who told me where the server was.

Q Did you have a conversation with Secretary Clinton about that?

A No, I didn't. I'm trying to figure out who would have told me where the server was. It could have been any number of folks as

we were stepping through trying to understand the set of circumstances that surrounded her email. But I don't know that I could tell you who was the person --

Q Who would be in that group of names?

A Individuals that would be in that group of names might be, certainly, her household -- one of her former households advisors, which was [REDACTED]. Other individuals who might have -- I could have learned that through the process of -- who else would have known about it?

He's probably one of the more logical people I would have learned that from, but it could have been others who had actually talked to other people who were sharing that with me, as well.

Q And you described [REDACTED] as her household assistant?

A No. He was somebody who managed different matters related -- he was a senior advisor to the President and a personal assistant to the President, but he also handled a number of their household matters.

Q Okay. And where is he these days?

A He lives in New York.

Q Okay. And still in that same position?

A No, he does not work there.

Q Do you know where he works there?

A I don't know where [REDACTED] is working now. I believe he is mainly consulting, but I could be wrong about that.

Q Okay.

Have you subsequently learned who set up the server in the New York home?

A I have subsequently learned that through reading and other matters who, at least as I understand it -- but I don't have any firsthand knowledge of that. My knowledge of that is obviously through the processes that I have been participating in to learn.

Q So you never had a conversation with Secretary Clinton about that?

A I didn't have a conversation about who set up the server in her house with her, correct.

Q Okay. What about with David Kendall?

A Certainly with David Kendall I've had conversations.

Q About the server?

A So David Kendall is her personal counsel. I also provide her personal counsel. And so, in the course of our conversations of responding to requests that have come not only from Congress but that have come from agencies about this matter, we have tried to be thoughtful in providing the best information that we had that was consistent with our obligations to her.

Q Okay. And did you discuss with Mr. Kendall the server?

Ms. Wilkinson. Can we go off the record a moment?

Ms. Jackson. Sure.

[Discussion off the record.]

Ms. Jackson. We'll go back on the record. And let me withdraw the question and ask another one.

BY MS. JACKSON:

Q Do you know a Bryan Pagliano?

A I do know Bryan Pagliano.

Q And how do you know him?

A Bryan Pagliano provided technology advice on the Secretary's campaign in 2008 when she ran for President. And, subsequent to that time period, Mr. Pagliano ultimately ended up being an employee at the Department. He was one of the Schedule C employees that was hired during the time that Secretary Clinton was Secretary.

Q Okay. He was a Schedule C employee?

A I believe so. I might be misstating that, so don't quote me on that, but he was certainly an employee who joined during her tenure.

Q Okay. And what's the significance of being a Schedule C employee?

A Am I wrong about that?

Q I don't know.

A Oh, okay. So I don't want to go all the way down a path if I'm wrong.

Q Yeah. Yeah.

A But what I would say is he was somebody who was hired during her tenure. And so there are a set of appointments that, as each Secretary comes into the Department and as each administration takes over from the prior administration, they have the privilege and opportunity to appoint talent that they believe are going to achieve

the goals and objectives of their administration or of that particular department or those particular priorities and initiatives. And at least it was my impression that he might have been in one of those slots.

Q Okay. And he was an IT person?

A He was somebody who had a technical background, that's correct.

Q In maintaining information technology systems?

A I don't know the breadth and scope of his skills. I don't know that I can speak to that. But I do know that he was somebody who I would describe as somebody who had technology expertise.

Q Okay. And is that what he did for the campaign?

A For the campaign, part of his responsibilities was, obviously, managing a lot of the technology issues, but I think he had a broader portfolio than that.

Q And what was that broader portfolio?

A I don't know. Like, I don't if he was also doing some of the admin or other things that might be related and bundled with kind of dealing with technology and other things like that. So that's the only thing. I don't know.

Q Did you have any role in his being hired at the State Department?

A I don't have a recollection of that -- or, necessarily, I would or wouldn't have.

It is certainly the case that, when talent was being considered, our White House liaison would actually interview everyone. And one

of the things that is certainly the case that Secretary Clinton sought to do was people who she thought were talented and wanted the opportunity to serve, to make sure that they were interviewed. And then they would be sent to different departments for interviews. And if the Department determined that they wanted to hire them, then that became the way in which I would get slates to say, these people are now getting ready to be hired.

So I would imagine he would have been in a context like that, because that is typically how we operated.

Q During the time that he worked -- well, let me ask this first. Do you know the timeframe that he worked for the State Department?

A I don't. I don't think he was there in the beginning, but I can't tell you when he arrived.

Q Okay. And did he leave contemporaneously with the Secretary or shortly thereafter?

A I don't know. I don't know.

Q Okay. Do you know whether he played any role in maintaining the private server that was at her New York home?

A I've come to understand that. That was not something I had knowledge of during the time period I was at the Department.

Q Okay. And when did you first become knowledgeable of that?

A As I've been stepping through this process of providing advice and guidance.

Q Okay.

To your knowledge, was there any intrusion or breach of her server during her tenure as Secretary of State?

A Not to my knowledge.

Q At any time was the server down for any reason, not functioning?

A That might have occurred. And I just am going to give you my best understanding. That might have occurred, obviously, during -- there has been different weather and other things, so that clearly could have occurred. I don't know that I had contemporaneous knowledge, and I don't know that I have any specific knowledge right now, but quite plausible that that could have occurred.

Q Okay.

Stepping back to Mr. Pagliano, what department did he work in when he was at the State Department?

A I believe he was in the technology department.

Q Okay. Was that the same technology department that you would call on when you would need assistance, or was it a different one?

A It was a different -- I don't know that they are different departments, but the division that I would be engaging with is called POEMS, and he was not a part of that.

Q Did you know who he reported to?

A I don't know who he reported to. But I know he was in -- I know he was in at least the technology department, so I would have assumed he would report to the head of that, the CIO or the head of

the super bureau that might have been associated with it. So those are -- I acknowledge my assumptions.

Q Is it your understanding that when official business is conducted via personal email that electronic records of that official business being conducted is a Federal record?

A I am now much more sensitive to that. But, yes.

Q Were you aware of it during your tenure with the State Department?

A I would have answered that question if you'd asked me in my tenure at the State Department that, yes, records were records of the work of the Department. It was my observation that that typically is how people were also using their State Department records -- their State Department emails. But that would have been my answer at the time.

Q Okay. And any type of official record or Federal record belongs to the agency; is that also your understanding?

A That's my understanding, yes.

Q Okay. And so it is not property, such as it is, of the individual, but it's property of the agency?

A I think that, as a general matter, when you are dealing with emails, because sometimes they have both things in them, it does -- meaning by "both things," I mean sometimes agency matters and sometimes personal matters, when you are in people's personal accounts, that there can be blended materials. But, otherwise, I would certainly say that the agency has the right to the materials that are agency

materials.

Q And if an email is solely agency information, then it belongs to the agency?

A That is what I understand.

Q Were you contacted in the summer of 2014 regarding Secretary Clinton's Benghazi-related documents being discovered with her personal email address?

A I was contacted about the Department -- that they were going to be providing the final tranche of documents that had been collected and that in those materials were materials that reflected her email address.

Q Okay. And that was the final tranche of records that were going to be produced to this committee?

A As it turns out now, to this committee, as opposed to the prior committee for which they had been collected, as I understand it.

Q Okay. And who contacted you?

A At that time, I ended up engaging with the chief of staff in the Department, whose name was David Wade, and their communications partner, whose name was Jen Psaki.

Q The spokesperson for the State Department?

A She was a spokesperson for the State Department at that time.

Q And what was relayed to you in that conversation?

A That they were anticipating that there would be potentially media inquiries around a set of materials that they would be providing

to Congress, and included in that set of issues was her personal email account and address.

Q There were media inquiries?

A They were anticipating they would get media inquiries.

Q Okay. But the --

A So they were preparing for what they anticipated to be inquiries that would come once the materials were provided.

Q But these were materials to this committee, not going to be released via a FOIA?

A Yes.

Q Okay.

A Or, at least, that is my best understanding.

Q Okay.

And did you have a series of conversations with Mr. Wade and/or Jen Psaki?

A I know I talked to them more than once, but I couldn't tell you if it was more than twice. But I know that I did have more than one conversation.

Q Okay. And were you the only person they were communicating with on behalf of the former Secretary?

A No, because this was actually a communications matter. The other person who was with me in this communication was a gentleman named Philippe Reines.

Q Okay. And do you recall when this occurred?

A This would have been, I think, late summer. That's my best

memory.

Q Do you know whether the documents had already been delivered to this committee?

A It was my impression that they were going to be delivered, and the questions that they were posing related to matters that they believed might be the subject of media inquiries that they would get, and they were seeking information and understanding to be able to respond to those. That's my best recollection.

Q And what were those questions?

A I don't know, but I know that her -- like, I don't have a perfect memory of what were the four or five things that they thought were going to be likely, potentially, the subject of media inquiries. But I do believe that -- I do know that one of them was with respect to her personal email address, which would be being made available.

Q Okay. And can you recall any of the other topics?

A No. I just said that.

Q Okay.

A Sorry.

Q Did you have meetings with any individuals at the State Department?

A Those were the individuals that I met with.

Q That you met personally with them?

A Yes.

Q And was Mr. Reines there?

A Yes, Mr. Reines was, as was Ms. Psaki, because the

conversation was revolving around the communications that they anticipated her having to answer in terms of questions that she might get related to a set of issues that they would have anticipated.

Q And what were her questions to you?

A I don't recall her having per se questions to me. But I do recall that they were anticipating that there would be media inquiries as a result of producing the materials, and they wanted to ensure they had as accurate information as they could relay.

Q Okay. And was there any discussion about seeking return of more records from the Secretary?

A Not at that time. That was subsequent to that. That was much later.

Q When did that occur?

A That happened later in the fall, when they concluded that the Department didn't maintain all records of the Department.

Q And who did you converse with regarding that?

A At that time, I remember, obviously, David Wade was present, but I remember that the other participant at that time was a member of the counsel's office, whose name is [REDACTED].

Q Okay. So the Legal Advisor to the State Department's office?

A I think he's a deputy legal advisor. I believe Mary McCloud is the Acting. But that's my best understanding.

Q And, again, was this a meeting or a telephone call?

A So I recall one meeting and a telephone call. Those are

the things that I recall.

Q And with David Wade and the representative from the Legal Advisor's Office?

A So the meeting, I recall, was with David Wade and the representative from the Legal Affairs office, who had indicated that they had learned that they didn't have necessarily comprehensive records. And they were going to be stepping through a process to determine how to address that with all the Secretaries.

Q And you say they learned that they didn't have comprehensive records. How did they learn that?

A I didn't ask. I mean, I think -- I think everyone understood that the point of electronic records is you have them, but apparently that was not accurate.

Q Okay.

Did you disclose to them at the time that her personal email records would be housed on her private server?

A I don't know that I had a cognizance of the private server in that framework, so I don't know how to answer your question, because of the way it's framed.

But at least what we indicated, once we understood the nature of the challenge, was that we would obviously speak to Secretary Clinton to learn how she would want to respond once they shared whatever letter they were going to be sending so that we could best understand what would be our approach in that regard.

Q And you said this was later. Can you give us a better idea

of the timeframe?

A I can't tell you. I think in September or October they would have indicated that they anticipated that they were going to be needing to augment their records and would be making a request to do that. I didn't actually get the request that they sent until the end of October, and that request was actually directed to Condi Rice, but it was sent to me, and so they then had to correct that.

Q Okay. So that would have been late October or early November when that occurred?

A That's my best understanding. Late October -- I think late October would have been the first letter, which would have been the one that was for Condi Rice that came to me. And then they subsequently would have replaced that letter, and that, I believe, would have come within the next 30 days or so, yeah.

Q Okay.

Prior to receipt of that letter, did you have any knowledge that they were going to reach out to other former Secretaries other than Secretary Clinton?

A At the time, when they were explaining the challenge that they confronted, they explained that that challenge was potentially one that was more than just the last few years. And so they were going to be assessing what they needed to do to ensure they had at least tried to get as comprehensive a set of records as they could.

Q Okay. And what steps did you take after -- or, actually, what steps did you take after you had this meeting, even before you

got the letter, to attempt to gather Secretary Clinton's records?

A So what our objective was was to understand what was the scope of records that they didn't have. Because if what they didn't have was records that were -- that they had everything on the state.gov, then it becomes a much easier exercise. But once they made clear that it was broader than that, that their own records might not be also reflective of just state.gov, then it became a different set of exercises.

Q Okay. So, again, this was the fall, late October, November, of 2014 when the State Department was aware that they did not have virtually any of Secretary Clinton's records.

A I don't know that it's "virtually any" because, at least as I understand it, what they would capture would be -- when she's emailing people, they would capture people on the State records, but they weren't always maintaining individual State records. So if you were an employee and your records happened to be one of the ones that they weren't maintaining or that got taped over, while they might have at one point had those communications, they had not maintained them.

Q Okay. And when did you first learn this? Was it before this time in late October, early November?

A So my best recollection is that I learned that sometime in the fall because I was -- I can just remember being surprised by it. So it would have been at the late summer or September time, October time period, in that time period, where we gained a deeper understanding of what the breadth of the challenge was.

Q Describe for us the process that you went through, you and others went through, to then identify, collect, review, and turn over Secretary Clinton's records -- return the Federal records to the State Department.

A After the letter came, Secretary Clinton asked David Kendall and myself to oversee a process to ensure that any records that could be potentially work-related were provided to the Department.

And so we stepped through that process by first reviewing her personal email account during her tenure for all records that had dot-gov, and that meant you could set aside a large swath of them as records that could be provided.

Q How did you get those records? Did you or Mr. Kendall physically have the server at this time?

A No. I know there's a lot of focus on that server. Boy. So that server, as I understand it, doesn't contain any of her records.

So we asked Platte River to give us a PST of all of her emails during the tenure where she was there, which they did. And we used that PST to first search for and set aside all of the state.gov records, then to actually do a name search of all of the officials in the Department so that we could ensure that all the senior officials that she would likely be corresponding with got looked at and searched for by name, and then a review of every sender and recipient so that you knew, if there was a misspelling or something that was inaccurate, that you would also have that review done, as well.

And then that created the body of, I think, about 30,000 emails

that ended up being ones that were potentially work-related, and not, obviously, completely, but it was the best that we could do, meaning obviously there were some personal records that are turned over, and the Department has advised the Secretary of that.

Q Okay.

When you say "we" did this, "we" reviewed for state.gov and things, was that you and Mr. Kendall?

A So we oversaw the process. The person who actually undertook it is a woman who worked for me. She's an associate. Her name is [REDACTED].

Q Okay. Did she have any specialized training or skills in the Federal Records Act or identifying official records?

A She's a lawyer by training. She also had served time in the counsel's office, so she has a set of understandings of what would be required.

Q Okay. And by "counsel's office," the State Department's counsel's office?

A White House Counsel's office.

Q White House Counsel's office.

A Uh-huh.

Q Okay.

What happened to the universe of the PST file once the potentially Federal records were segregated out?

A So the potential set of Federal records, we created a thumb drive that David Kendall kept at his office. And then the records

themselves, that would have been the universe that they sent, Platte River took back.

Q They took the PST file back?

A So they just removed it. So it ended up being on [REDACTED] system, and they just removed it. And I don't know what is the technological way they do it, because it's a way you have to access it, and then they make it so you can't access it anymore.

Q You said Mr. Kendall retained a copy. Did you retain a copy?

A On Ms. [REDACTED] computer there was one copy of the 55,000 pages with the 30,000 emails, and that was the copy that was retained.

Q Okay.

You also returned records to the State Department, you personally; is that correct?

A Yes, I did.

Q Okay. What is the volume of the records that you returned to the State Department?

A I don't know the answer to that question for two reasons, but I returned back -- I had trip books from Haiti or other things like that. So there were hard-copy documents that I returned back. And then, with respect to my own emails, I gave my counsel my inbox so that -- I mean my all-mail box for the period of time where I was in the Department, and they reviewed it and provided the documents to the Department.

Q And you don't know what that volume is?

A No.

Q Okay.

Ms. Jackson. I believe perhaps our Members have some questions, so I'm going to make sure that they have sufficient time to ask their questions.

Ms. Mills. Thank you.

Mr. Gowdy. Ms. Mills, I'm trying to understand, was your first being alerted a letter from Patrick Kennedy that the State Department was not in possession of the full public record, or had you had previous conversation with someone in the State Department?

Ms. Mills. So the conversations that I had with the Deputy Counsel there, with David Wade, at that time it was not transparent, but at least it was clear that they believed that there might be a need for them to augment their records and that they were going through to learn what they had and what they didn't have. But they were, at least at that time, concerned that their records were not complete.

Mr. Gowdy. Did they address how they complied with either FOIA or civil litigation requests during the time period when they were not asking for the return of the public record?

Ms. Mills. So, in my conversation with them, that didn't come up. So I guess "no" is the answer to your question.

Mr. Gowdy. Okay.

Did you have any conversations with Patrick Kennedy about the return of her public record prior to receiving the letter?

Ms. Mills. My conversations were actually with the Deputy

Counsel. And then I received a letter from Pat Kennedy.

Mr. Gowdy. So you and Mr. Kendall both, as her counsel, oversaw the determination of what was purely private, purely public, or you said blended, I say mixed use.

Ms. Mills. Mixed use, yes. And we had some mixed use, which also were provided to the Department. That's fair.

Mr. Gowdy. All right. And how many were determined to be purely personal?

Ms. Mills. I know that about half of them in the end ended up being purely personal, if I remember correctly. So, if there were 30,000, there would be another 30,000 that would be likely in the personal.

Mr. Gowdy. All right. Secretary Clinton gave three categories that would fit the description of purely personal: yoga practice, Chelsea's wedding, and correspondence with the former President. Those are the three she cited when she was asked about it.

Do you know, of those three categories, of the 30,000, how much does that constitute?

Ms. Mills. No, I couldn't -- I didn't go through the 30,000. So, no, I have no idea.

Mr. Gowdy. You didn't go through any of the personal?

Ms. Mills. So the senior associate I had was going through them, as opposed to me going through them. So I wasn't sitting and going through them. But I couldn't tell you that. I know that her personal, obviously, would encompass a whole scope of things, but I couldn't tell

you how many of them would have been in any of those categories or another category per se.

Mr. Gowdy. Can you give me an example of a mixed-use email that you reconciled in favor of disclosure or production?

Ms. Mills. They're all being produced up on the Web. Sure. Some of them might be -- there's an ops alert, and then she says, do you know where my ring is, or do you know where my dress is, or do you know where my particular item of clothing is. There are some of those that are being produced. Or, can someone bring me something to drink.

There are a number of them that kind of, in the context of other matters that are being discussed, there's a personal item that actually ends up being discussed in the context of these.

Mr. Gowdy. There were 15, 9 in whole and 6 in part, that were not produced to the State Department from Sidney Blumenthal. Do you know how those 15 escaped production to the State Department?

Ms. Mills. No, you know, because what we would have shared would have been what was in her records. Just as I am not certain why he also doesn't have some that she has. So I don't know the answer to that. I just know that that's the fact, that I know she had some he didn't have, and he had some she didn't have. But I can't tell you how or why that is.

Mr. Gowdy. So you and Mr. Kendall did not personally review the 60,000. You had or hired or had an employee do that for you.

Ms. Mills. She did that, and she undertook that work, obviously, diligently. But part of the process was to make sure that there was

a process of both taking all the state.gov, which was about 26,000 or 27,000 of them, and then looking for the names of everybody in the Department and in the government, as well as some Members, obviously, and then going to review sender and recipients to ensure that everything had been captured. So it was a three-prong process.

Mr. Gowdy. Do you know if anyone else at the State Department had a clintonemail.com email address?

Ms. Mills. Yes.

Mr. Gowdy. Who?

Ms. Mills. Huma Abedin.

Mr. Gowdy. Was that it? Just her?

Ms. Mills. She's the only one I'm aware of.

Mr. Gowdy. Sidney Blumenthal, did you receive his memos?

Ms. Mills. I sometimes would occasionally receive his memos. I learned in the process how prolific he was and realized I probably wasn't receiving a lot of them. But I did receive on occasion some of his emails.

Mr. Gowdy. Did you know who they were from when you received them?

Ms. Mills. Typically, in the instances where I would have gotten any of Sidney's emails, they were from Sidney. They were about a book his kid was doing or other things as well. Or, if they were about --

Mr. Gowdy. So you got emails directly from him.

Ms. Mills. Yes.

Mr. Gowdy. I was more referencing the ones he sent to Secretary

Clinton.

Ms. Mills. Oh. Sorry. So I often wasn't copied on those. I apologize. What's your -- so tell me your question.

Mr. Gowdy. The ones that he sent to Secretary Clinton, were you either copied or received a forward of those?

Ms. Mills. As it turns out, I often did not. I know that, obviously, because I've been looking at them. But I'm sure there was an occasion where I would have been, but a lot of them were forwarded to other colleagues that I might not.

Mr. Gowdy. Do you know whether or not it was ever contemplated that he would work for the State Department?

Ms. Mills. Yes.

Mr. Gowdy. And how do you know that?

Ms. Mills. Because when the Secretary was assessing whether or not and how we could actually think about some of our transatlantic engagements, Sidney was identified as someone that we thought could be valuable in that process. And so I stepped through a process with him to learn whether or not he could or could not serve. And then, when raising that with the White House, they expressed reservations about him. And so we didn't hire him.

Mr. Gowdy. Do you recall who specifically at the White House raised reservations?

Ms. Mills. I don't. Unfortunately, there are a number of non-fans of Sidney Blumenthal, so it could have been any number of people.

Mr. Gowdy. So the Secretary wanted to hire him, and he wanted to work there, but it was nixed -- is that a fair word to say? -- nixed by the White House.

Ms. Mills. I think it was fair to say that they expressed their -- at least their opinion that that would not be a good idea, and so we took that into account in not hiring him.

Mr. Gowdy. Okay.

You told Ms. Jackson that you recently returned records to the Department of State.

Ms. Mills. I have returned records to Department of State.

Mr. Gowdy. And how would those records have come to be in your possession and not the State Department's possession?

Ms. Mills. So I had copies of -- when I was serving as the envoy to Haiti, I had copies of trip books. And those trip books I returned.

I had materials that also, when the Secretary was being -- during the transition period before she became Secretary, they produced transition notebooks. I don't know what they consider those, because, obviously, they're giving them out to someone who might not get confirmed.

But those are kinds of materials I returned, in addition to any emails that were personal emails of mine that had any kind of work-related matters in them.

Mr. Gowdy. What prompted your return of the public record to the State Department?

Ms. Mills. The letter that we had received from the Department.

Mr. Gowdy. So you viewed the letter in the fall as not just including the former Secretaries of State but also folks who worked with them. Or was there a separate letter?

Ms. Mills. Which letter are you speaking of? Sorry.

Mr. Gowdy. Well, which one were you --

Ms. Mills. So, I got a letter to me, Cheryl. So I was responding to the letter to me, Cheryl.

Mr. Gowdy. When did you get the one to Cheryl?

Ms. Mills. I received that in May, maybe? March? I'm not sure, but I received that in the spring of --

Mr. Gowdy. Of this year?

Ms. Mills. -- 2015. Correct.

Mr. Gowdy. So 6 months after Patrick Kennedy wrote you about the return of her public record.

Ms. Mills. Yes. And my understanding is they were asking -- they first were, at least as I understand it, asking the Secretaries and then asking the staffs of prior administrations. But I don't have, obviously, visibility into how broad that is or how they were doing that.

Mr. Gowdy. Does it not strike you as at all unusual that they would wait 20 months to ask a Secretary of State to return the public record?

Ms. Mills. I don't know, because I don't know how they would have been assessing it from their side. I think that --

Mr. Gowdy. Well, the reason I asked -- I don't want to interrupt

you. Go ahead.

Ms. Mills. Oh, no. I appreciate it.

I think that, certainly, I was of the impression, so it wouldn't surprise me if other people were as well, that the State Department's electronic system captured records in realtime. And I think there's been a greater learning by a broader number of individuals that that didn't end up being the case.

Mr. Gowdy. You had earlier said a large number of people were aware of her email arrangement, the exclusive use of personal email. And, if that were true -- and I have no reason to doubt that it is true -- it makes one wonder why you waited 20 months to establish that the public record was complete.

Ms. Mills. Look, I wish more than anybody that that would have been something that I thought about or that anybody else would have thought about separate and apart from the Department thinking about what their own recordkeeping abilities were or weren't. I wish I had. I don't know that I can change what is, but it certainly is the case that I wish I would have thought about it.

Mr. Gowdy. Well, I don't often get to say this, but Congress actually did think to ask that question. And they wrote the State Department and wrote the Secretary, in particular, and asked whether she ever used personal email. Did you see that request?

Ms. Mills. I don't believe I did. I've obviously become aware of it since I left the Department, but I don't believe so.

Mr. Gowdy. All right. Would you agree with me that that would

have been a really good time to alert Congress --

Ms. Mills. Yes. And if I had seen that, I would have said that the answer to the questions being posed would have required reflecting that she has an email address and what that email address is.

Mr. Gowdy. But when I factor in your earlier testimony that a large number of people knew and it did not appear as if there was any effort to keep this a secret --

Ms. Mills. I would agree that a number of people knew about her email account; that's correct.

Mr. Gowdy. Okay. And there -- I'm sure my colleagues will correct me if I have the number wrong -- there have been seven prior congressional investigations into Benghazi. I ought to know that number, I've heard it so often, but I think it is seven.

Ms. Mills. Does that make you lucky number eight?

Mr. Gowdy. I don't think there's anything lucky about it.

But why did none of the previous seven inquiries prompt the State Department to seek the return of the public record?

Ms. Mills. Well, her records were collected in the records that were to be provided. So I think -- I can't answer for why or what prompted different decisionmaking or questions, but there are instances of her email being provided as responsive to requests that had come. And so --

Mr. Gowdy. But those would have been emails that were captured by the state.gov site.

Ms. Mills. Correct.

Mr. Gowdy. Those would not have been emails from her server.

Ms. Mills. Correct. They would not have been emails from her personal account. Correct.

Mr. Gowdy. And there would be no way for the ARB to have had the benefit of the full public record when they made recommendations to you.

Ms. Mills. They would not have had emails from her account other than the emails that reflected her communications with staff about work and about Benghazi, which would then be captured in the materials that they would have had access to and would have been in the A Bureau materials, because there were some of them in there.

Mr. Gowdy. So it's fair to say that some of these state.gov recipients or senders would have been captured by the public record, but there would be no reason for private email to private email to have ever been captured.

Ms. Mills. That's accurate.

Mr. Gowdy. Okay.

And Huma Abedin used private email with which to communicate on private email with the former Secretary of State. Did you ever use private email with which to conduct business with the former Secretary of State?

Ms. Mills. As a general matter, I used State email. That was just my practice. I'm confident there are, no doubt, occasions where I would have used my personal email -- if I was traveling, the system were down, if I was home and I couldn't fob on or it was easier because

I was dealing with my kids. But, as a general matter, I was a State email user. That was my overwhelming practice.

I wasn't perfect, so I often would have personal things on the State email, and I'm sure there are instances where I likely would have had State on my personal. But my general practice and my body of email scope is in the State email scope.

Mr. Gowdy. Did Mr. Blumenthal have a particular interest or expertise in Libya?

Ms. Mills. I don't know. It was my impression that Sidney's expertise was in transatlantic matters, but I don't know that he might not have expertise in other areas. But I can only tell you my impression is his areas of expertise were on the transatlantic side.

Mr. Gowdy. Did you know any of his sources of information?

Ms. Mills. No.

Mr. Gowdy. I had not -- if I had seen this article on Mr. Maxwell before, I don't recall it. And I know you've answered it twice, so I'm going to get in and get out quickly. He makes a lot of very specific factual assertions.

Ms. Mills. He does.

Mr. Gowdy. Are any of the factual assertions accurate? And when I say "any" --

Ms. Mills. I haven't read that to look at each of the factual assertions.

Mr. Gowdy. All right. I'll give you a couple.

Ms. Mills. Well, the assertion that I know is not accurate is

that I had an engagement with him where I even had a conversation with him to say, what is he doing here?

Mr. Gowdy. Well, that is what I was going to ask you.

Ms. Mills. And Mr. Sullivan said, You know who Ray Maxwell is? Like, it did not happen.

Mr. Gowdy. All right. Could it have been accurate that there were weekend document sessions?

Ms. Mills. There were. I would imagine that people had to be working on the weekend, and I'm sure I was there on a weekend. I don't, obviously, have a perfect memory of each day and when it was a weekend and when it was not, because we were working pretty hard. But it is certainly the case that I had asked for people to be fully dedicated to be able to try to get documents out as quickly as they can, and so people would have been working around the clock.

Mr. Gowdy. Could it be accurate that there is something colloquially referred to as the "jogger's entrance"?

Ms. Mills. I don't know, because I'm not familiar with the jogger's entrance.

Mr. Gowdy. Is there a space outfitted with computers and big-screen monitors intended for emergency planning?

Ms. Mills. We have emergency centers throughout the facility, so, yes, there are a number of those.

Mr. Gowdy. Would there ever have been a circumstance where you and Mr. Jake Sullivan and Mr. Maxwell would have been in the same room together?

Ms. Mills. Not that I recall.

Mr. Gowdy. But you recall with specificity not only did you never tell him what he alleges -- do you recall with equal specificity that he was not part of any document accumulation or production process?

Ms. Mills. I don't know what NEA might have had as an independent process. He was not part of the process of the team that NEA had sent. There was another woman who NEA had sent as their designated full-time body, if you will. And so I would have remembered if it was an African American man instead of a white woman. And it was a white woman who was assigned.

Mr. Gowdy. Did the ARB interview you?

Ms. Mills. No.

Mr. Gowdy. Did the ARB interview Secretary Clinton?

Ms. Mills. No.

Mr. Gowdy. Why not?

Ms. Mills. I don't know. I can only give an impression. And I don't know why they didn't --

Mr. Gowdy. That's fine. You can give me an impression.

Ms. Mills. Okay. Thank you.

The purpose of the ARB is to learn in a particular instance what occurred and whether or not the security in those moments was adequate and what should be done better, if not. And it is to write a report to the Secretary for that.

So I am not familiar with an ARB -- and I only knew of one other one when I was there -- where they would have interviewed the Secretary

as opposed to actually be providing that information to the Secretary for the purposes of making an assessment about the events. Because they are looking at the events that happened on the ground, and typically that involves a body of people beyond the scope of most of the people in Washington, but it's not always the case.

So it didn't surprise me that they didn't. And I don't know that I would have expected it one way or the other. They did brief her and step her through what they were finding, but they did not interview her.

Mr. Gowdy. All right. That's a fair point.

Do you view one of the goals of the ARB to be complete in its factfinding?

Ms. Mills. I think that's the objective, is to be able to provide as comprehensive an understanding of what happened in a particular incident, how it was handled.

Mr. Gowdy. If there were, hypothetically, 10 eyewitnesses to an incident, how many of those eyewitnesses would you expect the ARB to interview?

Ms. Mills. If they were actually eyewitnesses to the incident, if they had the ability to interview 10, I would imagine that they would interview 10.

Mr. Gowdy. And if there were, hypothetically, a universe of 10,000 relevant documents, how many of those 10,000 would you expect the ARB to access?

Ms. Mills. I don't know. I don't know how they would manage

through that, because it is a large volume, so there might be a strategy that they would have for how they assess what --

Mr. Gowdy. That came across as a trick question, and it was not intended to be so.

Ms. Mills. Oh, okay. It did.

Mr. Gowdy. It was not intended to be so. My point being, if it is really complete, you are going to access all of the witnesses and all of the documents to the extent you are able to. Is that fair?

Ms. Mills. I think, certainly, that might be an approach that someone might take, yes.

Mr. Gowdy. Okay.

Do you view past ARBs as being cumulative?

Ms. Mills. Tell me what you mean when you say that.

Mr. Gowdy. The findings and recommendations of past ARBs, do we -- in other words, do we need to rediscover the wheel, or are past ARB findings also to be given respect by subsequent Secretaries of State?

Ms. Mills. Oh, now I understand. Thank you.

It was my impression that the recommendations of ARBs are supposed to have an enduring life, meaning that the learnings that came from those ARBs should be acted on and implemented.

But it was also my observation that there had been ARBs before where recommendations had been made that had not been implemented. And so part of Secretary Clinton's commitment and focus was how do we actually make sure these recommendations are actually implemented,

given that there are were some that had not been in the past.

Mr. Gowdy. So, in other words -- I think you and are in agreement -- Secretary Kerry should not fail to heed the recommendations, even though they came during a previous tenure.

Ms. Mills. Are you getting ready to get me in trouble?

Mr. Gowdy. No. No, I'm not. No. That's my last question on it. I'm just trying to establish if they're cumulative in nature.

Ms. Mills. Yes, they are cumulative in nature.

Mr. Gowdy. Okay.

And whose job is it to make ARB-like recommendations before the tragedy takes place? Who within the State Department is charged with figuring out these -- because it took about 2 months to come up with 30 recommendations. That's pretty quick. And it's a big number.

So who within any State Department's job is it to come up with recommendations with respect to safety and security before something bad happens?

Ms. Mills. With respect to safety and security, we obviously rely on our Diplomatic Security to provide us with the best advice and recommendations and practices based on their expertise. And there are likely other bureaus and departments that could contribute in that same regard, but, certainly, when we thought of security, we think of our Diplomatic Security officials as the experts in that space.

Mr. Gowdy. Was a trip to Libya in October of 2012 being contemplated?

Ms. Mills. It might have been. I just don't recall. I actually

don't recall at this moment. I'm sure there was a time where I did know. But it might have been.

Mr. Gowdy. Let me ask you in a different way.

Ms. Mills. Okay.

Mr. Gowdy. I think you testified earlier that Ms. Abedin handled travel arrangements for Secretary Clinton.

Ms. Mills. Yes. And they had already been, I thought, to Libya on one trip and --

Mr. Gowdy. Yes.

Ms. Mills. Okay.

Mr. Gowdy. Did she handle travel arrangements for anyone other than Secretary Clinton?

Ms. Mills. No. So, when we were doing trips or travel, she also oversaw the schedule and the creation and the operations of all of those different elements. So she was kind of the operational deputy, if you will, for matters related to the Secretary's travel.

Mr. Gowdy. So if she were in a process of meeting and planning in connection with a trip to Libya in the fall of 2012, it could not have been for anyone other than Secretary Clinton.

Ms. Mills. That's correct.

Mr. Gowdy. Okay.

Ms. Mills. She typically would be handling it for the Secretary. She would not be handling it for someone else. Or, at least, I'm not aware of her making travel arrangements for other people other than the Secretary.

Mr. Gowdy. But you are not aware of a trip being discussed, planned, otherwise contemplated for the fall of 2012.

Ms. Mills. I just don't remember it. I'm not saying that if you had talked to me at that time I wouldn't have said, oh, yes, I heard they're thinking about that. I just don't remember it right now.

Mr. Gowdy. Okay.

[4:37 p.m.]

Mr. Gowdy. Talking points that were derived at by the CIA -- I'm sure someone will correct me if I'm wrong -- but my recollection is that either Mr. Morell or someone else said his first iteration of talking points was changed at the recommendation of seventh floor principals at the Department of State. Do you know who he could have been talking about?

Ms. Mills. No, and that's not my recollection, so that might be shaping my answer.

Mr. Gowdy. So there was never an iteration of CIA talking points that assigned a higher degree of culpability to the State Department than those which became public?

Ms. Mills. That might have been the case. But if your question is whether or not I have a recollection of Mr. Morell saying he was changing something at the direction of the State Department, that is what I didn't have a recollection of.

Mr. Gowdy. All right. Take Morell out of it.

Ms. Mills. Okay. Sorry.

Mr. Gowdy. Just in general, CIA talking points, an iteration that assigned more culpability to the State Department than the iteration that became public. Do you recall that?

Ms. Mills. So what I recall is that there was at least a lot of discussion around the talking points and my challenge is that my recollection is after the fact when the talking points became an issue

as opposed to simultaneously. I don't know that simultaneously I had a contemporaneous understanding of the different back and forths on the talking points.

But I do know that there was always this enduring challenge, at least from my perspective -- but I acknowledge I was sitting at the State Department -- that the CIA seemed to have an opinion about their actions and the propriety of how they'd been handled and the Department's, and what they saw as what might have been a distinction in that.

So that was my overarching impression. Separate and apart from just the talking points, that was my overarching impression.

Mr. Gowdy. All right. Well, I want us to stick with that theme for just a second. Susan Rice went on five Sunday talk shows, and at least in two of them, if my memory serves, made reference to a video that appears nowhere in the intelligence talking points. What was the genesis of her attributing the attacks to the video?

Ms. Mills. I don't know the answer to that question. I know that she had received preparation materials and points, and I'm assuming that that's how she relied on them and she relied on them to relate what she related on the program. But I don't know, because I didn't participate in her prep or in the materials for her prep.

Mr. Gowdy. Who prepped her?

Ms. Mills. So she has a team of folks at the U.N. who are her talent both on -- from a communications side and her deputy, who is fabulous, a gentleman named Raxon Ryu, who would have been her primary

partners in preparing her.

Mr. Gowdy. How would anyone at the United Nations be in a better position to advise her on what happened in Libya than the CIA or the State Department?

Ms. Mills. I'm sure they probably would have provided materials so that she would have been able to speak to the issues that she did, and so she would have been relying on materials that have been provided to her.

Mr. Gowdy. Have you seen any materials that attributed the attacks to the video from our intelligence agencies?

Ms. Mills. I just don't remember. I don't remember that one way or another now. If you had asked me at the time, I could've told you the answer to that. I don't remember that now. Like, I don't know if there was ever an instance where there was something that somebody said was or wasn't.

I remember that in the beginning it was much more around a discussion of the nature of the events that night. And so that's my memory.

Mr. Gowdy. Did you watch her performance on the Sunday talk shows?

Ms. Mills. I did not.

Mr. Gowdy. How soon thereafter did you learn that she had attributed it to a video and/or spontaneous reaction to a protest?

Ms. Mills. I am certain that I would have learned in the days after that. I couldn't tell you if it was exactly the next day or the

day after that, but I would have learned in that time window.

Mr. Gowdy. Were you then or have you ever been in possession of any factual predicate that would support either of those, either a protest spun out of control or the video?

Ms. Mills. As I understood the background material that had been prepared by our intelligence community, they had given a set of points that she was relying on. So my impression was that that was a part of their points. That might not be accurate. That's just my impression.

Mr. Gowdy. I think your second impression was accurate, which is when she said video it shocked everyone, including Mike Morell and the authors, which leads to my question: At what point does the State Department have a duty to correct something that was falsely said?

Ms. Mills. So I don't know that I had a shock reaction because I didn't watch her program, but in terms of what she said, I think part of the enduring challenge -- and this is what I was speaking to earlier is, how you make sure you're giving the most accurate information that you have.

I don't know what was the genesis of obviously all of the different elements that were a part of her performance. It was my distinct impression she was using intelligence and points that had been extracted from those that could be shared with the public to do that. But I couldn't tell you what they were and how she reached her own conclusions around that.

Mr. Gowdy. Okay. A couple more questions then I will turn it

over to my colleagues.

Were you present for any phone calls that Secretary Clinton made to any foreign leaders in the hours or days after the attacks in Benghazi?

Ms. Mills. I might have been. I say that only because I was in and out of the office, so it's completely plausible that I was in as she was making a call and walked out to go do something, so it's plausible. But I don't know that I have a specific memory of any of the different leaders.

I do recall when she was reaching out in -- for Tunisia, because we had a whole set of issues about how we could potentially provide support, that I got a readout after that call. So I know I wasn't present for that call because there were certain due-outs for that, but I don't have a specific memory of different leaders as she spoke to them.

Mr. Gowdy. Are you aware of any ambassadors that had Secretary Clinton's private email address?

Ms. Mills. I don't know.

Mr. Gowdy. There was a memo, 1 year and 1 day prior to the attacks in Benghazi. There's an email from Jake Sullivan to Secretary Clinton, subject: "Rogers apparently" -- and the body is, "apparently wants to see to talk Libya/weapons."

Ms. Mills. Who's Rogers?

Mr. Gowdy. We don't know. It could be Mike Rogers, who is the former HPSCI chairman. I was going to ask you.

Ms. Mills. Sorry. I've already revealed my ignorance.

Mr. Gowdy. Is there anyone last name Rogers that you could think of that would want to talk to Secretary Clinton about Libya and weapons?

Ms. Mills. No, I don't know, obviously.

Mr. Gowdy. Do you know anything about Libya and weapons?

Ms. Mills. No. No. I mean, obviously, I know that one of the concerns from a policy standpoint was that there would potentially be loose weapons after the fall of Qadhafi and during that time period and a desire to ensure that they didn't fall into the wrong hands. And that is probably the breadth and scope of my weapons knowledge.

Mr. Jordan. I just want to be clear. So [REDACTED] is the attorney who works for you in your firm or in your part of your business?

Ms. Mills. Yes.

Mr. Jordan. And she is the individual who was responsible for overseeing the production of the emails that were deemed government or mixed or private email?

Ms. Mills. So the Secretary asked David Kendall and I to undertake that, and I asked [REDACTED] to step through the process of actually doing the work is probably the best way to say that.

Mr. Jordan. But the search terms and the parameters and the scope and how it was done, that was developed by you and Mr. Kindle?

Ms. Mills. She stepped through a process that we had blessed, if you would say.

Mr. Jordan. Okay. I want to go back to the ARB, if I could.

Just to be clear, from a few hours ago, I guess, did you request a draft copy or did it just show up on your desk? How did you get the draft copies?

Ms. Mills. They provided me with a draft copy. I don't have a recollection of requesting it, but they did provide me with a copy. What I can't answer is whether or not I would have expected that or not expected that.

Mr. Jordan. Okay.

Mr. Cummings. Let me go off the record for a minute.

[Discussion off the record.]

Mr. Jordan. I want to go back to, I think it's the "Come to Jesus," number 8, I think. I think that's what it refers to when you say --

Ms. Mills. Come to. The come-to email.

Mr. Jordan. Is that what you mean? I just assumed that it was -- maybe that's a false assumption, but that's --

Ms. Mills. No, you're right. I'm Baptist.

Mr. Jordan. Same here. I'm not Baptist but close enough.

Ms. Mills. What are you?

Mr. Jordan. Evangelical, non-denominational. My dad has had "Come to Jesus" meetings with me.

Ms. Mills. He's a good man. Come on over to the Baptist side. We're good people.

Mr. Jordan. So in this email, "Had a little come-to with some of our colleagues but folks now on board." Who are colleagues?

Ms. Mills. So colleagues were individuals, at as least I remember, in the intelligence community. And some of that, as I said, related to my observation around the certain propensities to seek to mislay responsibilities.

Mr. Jordan. Okay. And when did you have that come-to-Jesus conversation with colleagues?

Ms. Mills. It would've been likely on the phone, probably contemporaneous or around that time period.

Mr. Jordan. Okay. Because this email says -- it regards the hearings, congressional hearings. And you say, just starting -- this is to, I think, Secretary Clinton -- and to Philippe Reines. Is that accurate?

Ms. Mills. Yes, I think so. Let me just grab it so that I have it in front of me so that I'm being a better partner to you. Okay. I have it.

Mr. Jordan. So are you just -- so "just starting, had to have a little come-to-Jesus conversation with our colleagues, but folks now on board."

Ms. Mills. Yes.

Mr. Jordan. So were these folks, these colleagues, were these people testifying in front of that committee?

Ms. Mills. Oh, I don't know that they would have been testifying. Those might have been two different things that were going on. She was asking how the hearings were going, and I wasn't necessarily paying attention because I was having another set of conversations that were

going on.

So that's my best recollection. And I was then saying, Philippe is up there with them. He might have better information about what's happening up there because I had been paying attention to something else.

Mr. Jordan. So let me just go to that. So Philippe is up there with them. Is the "them" referencing the colleagues?

Ms. Mills. So she was asking how are the hearings going. So the "them" is Philippe is up there with whoever is testifying at the hearings. I didn't know what was happening other than they were just starting because I had been involved in another matter, which was sharing my concern that people were not being good interagency partners. And that was something I shared a couple times.

Mr. Jordan. So the colleagues doesn't necessarily refer to them, or does it refer to them? I mean, is it the same answer? That's what I'm trying to figure out. It seems to me, "just starting," the hearing's just starting, and I just had a conversation, a come-to-Jesus conversation with people who were at the hearing, I assume testifying, and Philippe is up there with them.

So it almost sounds like you're trying to influence in a big degree, if it's a come-to kind of conversation, what people are going to say in front of a congressional hearing. That's how I read it in context.

Ms. Mills. Right. No, that's not accurate.

Mr. Jordan. All right. Then tell me what is accurate.

Ms. Mills. So let me try to -- sorry -- do a better job. I apologize.

So the chain starts with her asking how are the hearings going. I hadn't been watching. The reason I hadn't been watching is because I had been involved in a whole other set of conversations around what I saw was people not being good interagency partners. So my answer was the first holding answer, it's just starting. I had to have a come-to with some of our colleagues with folks now on board was referencing why I didn't know.

Philippe's up there. That's basically telling her, if you want to know what's really happening in the hearings, he's present so you can ask him. But I haven't been paying attention because I've been involved in this other conversation.

Mr. Jordan. So based on what you just described there -- and then I'll stop -- based on what you described there, the "Philippe is up there with them," "them" is not referring back to colleagues? "Them" is someone else?

Ms. Mills. So "them" is up there for whoever the hearings are going on with. My conversations were happening with some of the interagency team that were not testifying, correct.

Mr. Jordan. All right. Thank you.

Mr. Westmoreland. I've just got some quick yes or noes. Going back to what the chairman asked about Ray Maxwell. Were you ever at that room downstairs when they were going through the emails with Jake Sullivan on a Sunday?

Ms. Mills. Well, I don't know. That is quite possible I would have been there on a Sunday with Jake Sullivan. But I don't recall that, because I actually don't recall Jake Sullivan being down there much, if at all.

Mr. Westmoreland. But you could've been in that room with Jake Sullivan?

Ms. Mills. I could have been, I just think it's pretty unlikely because I don't recall him being downstairs.

Mr. Westmoreland. The other thing is, did the lady, and I think you referred to her as a white lady --

Ms. Mills. Well, as opposed to an African American man. So for the purposes not of race but of being able to say I could tell the difference between the two.

Mr. Westmoreland. I got you. But the white lady, was she technically working for Mr. Maxwell?

Ms. Mills. No.

Mr. Westmoreland. So that's not a true fact either?

Ms. Mills. I didn't know there was a fact in there that said she was working for him.

Mr. Westmoreland. Yes. It says, "Technically the office director worked for Mr. Maxwell."

Ms. Mills. And who was the office director? Does it say?

Mr. Westmoreland. The office director who is supposedly the lady that you were talking about --

Ms. Mills. I don't know that it -- I didn't know that there was

an office director that -- I don't know that the person who was from NEA was the office director, so I don't know if those two sync up in the same way. But I also haven't read his article.

Mr. Davis. The post from NEA that you're talking about, is that [REDACTED]?

Ms. Mills. Yes. Yes. Is she the office director?

Mr. Davis. Go ahead.

Mr. Westmoreland. I'm just assuming she was the lady that was --

Ms. Mills. So I was just talking about the woman whose name you just said. [REDACTED]

Mr. Davis. Part of your group.

Ms. Mills. Yes. [REDACTED]

Mr. Westmoreland. Who was the lady downstairs going through the emails?

Ms. Mills. [REDACTED] So I know her name, yes. I don't know her position.

Mr. Westmoreland. Okay. But you don't know who she worked for or whose supervision she works under?

Ms. Mills. It was my impression she worked for Liz Dibble and so that was the Deputy Assistant Secretary, at least --

Mr. Westmoreland. Okay. Well, Mr. Maxwell just said she technically worked under him and that he didn't know that she had been given an assignment to be in that room going through the emails.

Ms. Mills. Okay.

Mr. Westmoreland. But and then the personal conversations he

supposedly had with this lady, you wouldn't have any knowledge if he had those conversations or not, right?

Ms. Mills. I wouldn't know about conversations I didn't participate in.

Mr. Westmoreland. Sure. Thank you.

Ms. Mills. But I would know about whether or not I had conversations with Ray Maxwell, and I didn't.

Mr. Westmoreland. No. I understand.

Mrs. Brooks. As a follow-up to what Congressman Cummings asked you with respect to the conversations that the Secretary had with the victim's families, I want to go to what if any conversations did she have with survivors?

Ms. Mills. So she met with the survivors when they came back. And at the time, what I can tell you is when we were doing outreach, because there was a real sensitivity to the survivors' physical health, how we step through that. She had, by the time all of them were back, had had conversations with all of them. But I can't tell you in what cohorts they were because they all had different states of injuries.

Mrs. Brooks. Okay. I'd like for you to take a look at an email that's dated October 30, if you could -- regarding one of the victims in particular and see if this refreshes your memory about her interaction with the victims. And when did you -- and did you have any conversations with any of the survivors?

Mr. Wilkinson. So this would be number 12?

Ms. Jackson. Twelve.

[Mills Exhibit No. 12

Was marked for identification.]

Mrs. Brooks. And so marking emails as exhibit number 12 from October 30. And it starts on October 25, regarding a [REDACTED].

Ms. Mills. [REDACTED], uh-huh.

Mrs. Brooks. [REDACTED] Did you have any conversations with [REDACTED] [REDACTED]?

Ms. Mills. I don't recall having conversations with [REDACTED] other than when they came to the Department, which would have been near her departure time. I just remember there was a gentleman whose leg had been deeply injured, and if [REDACTED] is the gentleman whose leg had been injured, I remember him being in a wheelchair and meeting him at that time. If that's not the right person, then I've misaligned injuries with the different individuals.

Mrs. Brooks. So did you or the Secretary have any interaction with the survivors prior to her leaving in February of 2013?

Ms. Mills. Yes, she had. And because some of the survivors had come back and so they had been back and they were ones who had not been injured. So they were part of the diplomatic team and she met with some of them. And then what she was conscious about was whenever people were ready to be able to take a call she wanted to do that call, but she didn't want that to be at the expense of their health.

Mrs. Brooks. Okay. And do you know if this call ever happened? Do you know if it ever --

Ms. Mills. I don't know.

Mrs. Brooks. There were a lot of people copied, it seems, on executing a call.

Ms. Mills. I know right. It's nice to be the secretary. You get a lot of support.

Mrs. Brooks. Yes.

Ms. Mills. But I don't know the answer to your question.

Mrs. Brooks. Okay. And then just finally, I know that at the very beginning -- and we've asked you a lot of questions today and obviously you have had to answer. You don't recall, "to the best of my recollection," and so forth. You've been a lawyer for how long?

Ms. Mills. I graduated from law school sadly now in 1990.

Mrs. Brooks. Did you ever testify when you were chief of staff before any congressional committees?

Ms. Mills. At the State Department?

Mrs. Brooks. Uh-huh.

Ms. Mills. I don't believe I had occasion to do that. It's nothing that I remember. I think it would have stood out.

Mrs. Brooks. And I think you said that this was probably the first crisis like this that you had dealt with; is that right?

Ms. Mills. No.

Mrs. Brooks. Oh, it's not?

Ms. Mills. No.

Mrs. Brooks. Had there been other attacks where --

Ms. Mills. Oh, now I understand what you're saying. We've had crises.

Mrs. Brooks. Sure.

Ms. Mills. So I had -- yeah. So Wikileaks, and the Haiti earthquake and the Japan tsunami. I had a lot of crises. But there was not an instance where we had lost an ambassador ever, no.

Mrs. Brooks. A crisis of this magnitude where someone had been lost.

Ms. Mills. Yes.

Mrs. Brooks. And you've talked repeatedly today about the importance of clarity and visibility and the importance of your staff and the people of the State Department providing answers and so forth. I'm curious, and you said early on that you never wrote your recollection or report on this. Why not?

Ms. Mills. Primarily because I was overwhelmed. In fact, you know, as somebody who would love to be in a place where history could capture those things, it would be a nice thing to have. But I was basically spending every moment of every day in motion, and so that wasn't one of the opportunities I had.

Mrs. Brooks. And when did you leave the Department?

Ms. Mills. I left as chief of staff in February of 2013.

Mrs. Brooks. And where did you go?

Ms. Mills. I began doing consulting work and providing advice to a set of clients and basically doing economic development in Africa.

Mrs. Brooks. Okay. Did you contemplate doing a report then to help you later on?

Ms. Mills. I didn't contemplate doing a report at that time, no.

I have never contemplated doing a writing or a report.

Mrs. Brooks. To help your memory of the -- of your involvement in all of this?

Ms. Mills. I didn't.

Mrs. Brooks. And everyone else's involvement?

Ms. Mills. I didn't, no.

Mrs. Brooks. Have you advised clients to ever not write reports?

Ms. Mills. No. I think I look -- you know, I experience this as a very human tragedy. And so, I'm not a book writer. I am not somebody who tries to make the case for history. I tend to be someone who's a little bit more behind the scenes, both to my detriment or my strength, whatever that might be.

But I wasn't trying to capture something for posterity. I was trying to do the best I could.

Mrs. Brooks. Okay. Thank you.

Ms. Jackson. Let's go off the record for just a brief moment.

[Recess.]

BY MS. SAWYER:

Q Ms. Mills, just some quick follow-up. You were asked a series of questions about Secretary Clinton's use of her personal email account during her time as Secretary.

You know, in the interim progress report that the chairman put out in May of 2015 of this year, he said with regard to the personal email, quote, "Ultimately this committee's interest is in ensuring all relevant and material information related to Libya and Benghazi that

was in the personal custody of the former Secretary of State has been returned to the public domain."

So I want to make sure we've asked you that question clearly, and we've gotten an answer to that question, given it is our ultimate interest. Is it your understanding that all relevant and material information related to Libya and Benghazi has now been provided -- that was in the personal custody of the Secretary of State has now been provided to the State Department?

A Yes.

Q And you explained to us that there was a review process. You oversaw that review process. Had this inquiry come in at the time that you were all still at the State Department, would you have potentially been involved in the overseeing of getting it done then?

A I don't know that I would have then because I would have obviously had a whole set of other responsibilities I was doing, so I don't know the answer to that question.

Q Had you been involved, would you have done the same process that you did when the request came in as her former chief of staff after you had left?

A Yes.

Q And you felt it was as robust as it would've been had you still been at the State Department?

A Yes.

Q I'm putting myself in the mind of the critics here, and I can hear what they will say, which is, nonetheless, you had the

opportunity or the review process had the opportunity to make the decision as to what it was going to deem was purely personal in a hybrid category of personal and work and clearly work.

At the outset of you discussing Federal records, you were explaining that there was an obligation of every employee -- the obligation falls to every employee to review their records and decide what is a Federal record. So this notion of review and making these determinations do usually fall to the employees who must determine what a Federal record is. Is that the case?

A That's correct. Each individual has the obligation to conduct the review and provide those materials to the department, and that's part of the regulations that each individual has that obligation.

Q And so I just want to give you an opportunity, to the extent you want it, to the extent that that question is going to be raised about, yes, that you had the opportunity then to do the review yourselves. I've sometimes heard with regard to the ARB the notion, it's like letting someone grade their own paper. We may hear that same notion with regard to the review of emails to determine what qualified as a Federal record.

So I'd just like to give you the opportunity to kind of explain why you have assured us now that everything is back in -- that was in the personal custody has been provided to the State Department.

A So as I just said, each individual does have that responsibility. And I think in this instance, actually, she didn't

undertake that review herself. She actually had other people undertake that review on her behalf, and so it was one more step removed than might be what the regulations are expecting, which is each individual doing it themselves, where you might have a little bit more subjectivity.

But this process was designed to find anything that could potentially be work related, and she was clear about wanting to provide that to the Department. And so that's what we undertook.

Q And the letter that I saw that went out to you as her representative, I think as well as the letter that went out to you about your records indicated that the records they sought were records that might not already have been captured on the State.Gov system. I think you've explained to us the notion that that was the belief, that these Federal records already had been captured, would be captured.

Nonetheless, did you turn over even documents that you believed would have already been captured?

A Yes. About more than 90 percent of the records that were in her email were records that were to or from State.Gov accounts -- were either to State.Gov accounts or from State.Gov accounts. And so improperly one would have assumed that those were already in the Department's possession.

Q And they may well have been, some of them, at least. Not all of them, but some body of those.

A Sure. I think it's just about how adequate the Department's recordkeeping systems are for keeping the electronic

records.

Q So even in that regard, you erred on the side of being overinclusive rather than under inclusive?

A Yes.

Q So would you say that that was true in every regard with -- when you did the review, that if there was any doubt, it was resolved in favor of producing and returning the document to the State Department, not withholding it?

A Yes, that was her direction and so that was the approach that we took. Obviously, the Department only wanted Federal records. We did an imperfect job because there was more than 1,200 of them that are personal, but her direction had been she wanted there to be as overinclusive approach as should be.

Q Okay. I'm going to show you, as quickly as I can, what I'm going to mark as Exhibit 13.

[Mills Exhibit No. 13

Was marked for identification.]

BY MS. SAWYER:

Q Because this came up in the last hour and I just want to ask you a couple of -- last few hours.

This is an excerpt from Colin Powell's book "In Life and Leadership: It Worked for Me." When it came up, I looked at it to see if I actually had the date. I had tried to copy the cover page, and I unfortunately did not. But my recollection, and I have to admit that I don't know for certainty, but I do believe it was either in 2012

or in 2014 that this came out.

And you had indicated that -- and I'm going to just direct your attention, there's an excerpt on page 109, which I did copy. Because he there explains, and he may explain it elsewhere, but this is where I had seen the explanation and there's a paragraph on 109, it's about the third paragraph down.

"To complement the official State Department computer in my office, I installed a laptop computer on a private line. My personal email account on the laptop allowed me direct access to anyone online. I started shooting emails to my principal assistants, to individual ambassadors, and increasingly to my foreign minister colleagues, who like me, were trying to bring their ministries into the 186,000 miles-per-second world," end quote.

That's where I had seen them referenced. You had been talking about knowing that -- some other officials including Colin Powell. And the timing of that I just wanted to make clear, particularly because I know that you have done your best under difficult circumstances to recall as much as you can, do you think it was this excerpt that was your first knowledge, or do you think it was --

A I don't know if this was my first knowledge, but I was aware of this, obviously, because we were reading and preparing for when the Secretary transitioned to the Department. I can't tell you it's my first, but I can tell you I was aware from having read this as well, but I might have also learned it another way.

Q But this may have postdated her transition into the

Department?

A It could have, yes.

Q Right.

A It could have been before. It could have been after. I mean, I do know that I had that awareness, and my awareness was one that when she was undertaking that, she was using hers that I had an awareness that the Department had had a previous instance, if not more than one, of secretaries who used their own personal mail.

Q And he described some of the folks that he would have been emailing to, obviously principal assistants, individual ambassadors, all of whom are his colleagues at State, so that's certainly one way in which it would've been well known.

A Oh, yes, I do believe it was known in the Department that he had used his personal email, that's correct.

Q And those emails, as with Secretary Clinton, would have presumably been captured in a State system to the extent he was emailing with someone, anyone, in the chain who had a State.Gov account?

A That's what I would have assumed.

Q He also says he was emailing increasingly with foreign minister colleagues. Some of those emails potentially wouldn't have been captured in the official State.Gov system; is that accurate?

A They wouldn't have been captured in the State.Gov system.

Q And then just to be completely clear, both at the time that this excerpt, you know, Secretary Powell predated Secretary Clinton, so both at the time he set up and installed a laptop computer on a private

line and used a personal account and during Secretary Clinton's tenure, the use of a personal email account was not in any way prohibited, was it?

A That's correct. It was not prohibited.

Q And there was a concern, and certainly it's become a concern that's been focused on now about whether Federal records -- I mean there's always been a Federal record requirement. The ranking member, actually, was the author of amendments to the Presidential Federal Records Act that took into account this concern, not related to Secretary Clinton but because it's not a one-off. It's not an uncommon situation.

So the amendment there was to require either -- to require assurance that it would be captured in the State system either contemporaneously by copying or within 20 days.

A I see.

Q So even that amendment does not prohibit outright, it assures the copying.

So this concern about copying, I think, is a valid one. And you had said at one point kind of had you -- you wished you had thought about it a little bit more earlier. And is that because the concern that things that you thought were potentially being captured ended up not being?

A Yes.

Q And did you have any sense during the entire time that you worked with Secretary Clinton when you were chief of staff that she

had been using a personal email account in any way to evade Federal records requirements?

A No.

Q In any way to conceal her conduct as the Secretary of State?

A No. She emailed people on their State accounts, so she was very -- those would be captured, or at least that's what everyone would have assumed. So she emailed people and did her work-related engagement with people on their State accounts.

Q One quick question on the ARB and then I just have some broad allegations that I want and need to ask you and then we will be finished for the day.

You were asked about whether the ARB and why the ARB may not have interviewed Secretary Clinton. The co-chairmen of the ARB have testified and have been asked that question, and they have indicated to Congress both that they had unfettered access and that, as I understand it, had they believed that they had a need and there was evidence that the Secretary had been involved they would have interviewed her.

Did they ever indicate -- is that a potential reason why they would not have -- why they and, I think, the -- I don't want to misquote the number, but a number of ARBs prior to the Benghazi ARB had not interviewed the Secretary of State who was in office at the time when they were doing an investigation after a significant incident at one of our overseas posts?

A Yes. I think that ARBs were looking for the actual incident

and who can give firsthand information with respect to those incidents. Typically, the Secretary has not been involved in any of these incidents. Was it to be a security-related incident when the Secretary is traveling and something happened, it might be in those instances where they would then obviously be a direct participant or eyewitness as the chairman pointed out.

But otherwise, their objective is to try to get as close to the ground as they can.

Q And very quickly, I want to just make sure I've asked the question about the requests that have been made to you about your own documents. The same question about the interest of this committee and congressional committees doing oversight with regard to the requests that have been made by you, both I believe a more comprehensive request from the State Department to cover your entire tenure and then a specific request about Benghazi or Libya related.

You know, have you at this point been able to return any documents that were in your personal custody to the State Department?

A I have provided those materials to the State Department.

Q Okay. And then I'm going to ask you a series of allegations. These are public allegations that have been made in the 3 years since the attacks. Many of them have been asked, and from our perspective many of them have been answered, nonetheless they persist. It's our understanding that they are being pursued still, even by this committee, and I will ask you them.

What I'm looking for here is just firsthand evidence or knowledge.

Some of these questions will fall within an arena where you potentially would have firsthand knowledge; some of them will not. I'm just going to ask you all of them, and we can discuss any of them that your response is that, yes, you do have firsthand knowledge; and if you do not, we'll just move along to the next.

A Okay.

Q Do you have any evidence that Secretary of State Clinton ordered Secretary of Defense Panetta to stand down on the night of the attacks?

A No.

Q Do you have any evidence that Secretary of State Clinton issued any kind of order to Secretary of Defense Panetta on the night of the attacks?

A No.

Q Do you have any evidence that Secretary Clinton personally signed an April 2012 cable denying security resources to Libya?

A No.

Q Do you have any evidence that Secretary Clinton was personally involved in providing specific instruction on day-to-day security resources in Benghazi?

A No.

Q Do you have any evidence that Secretary Clinton misrepresented or fabricated intelligence on the risks posed by Qadhafi to his own people in order to garner support from military operations in Libya in the spring of 2011?

A No.

Q A bipartisan report issued by the House Permanent Select Committee on Intelligence found that the CIA was not collecting and shipping arms from Libya to Syria and that they found no support for this allegation.

Do you have any evidence to contradict the House Intelligence Committee's bipartisan report finding that the CIA was not shipping arms from Libya to Syria?

A I do not have any such information.

Q Do you have any evidence that the U.S. facilities in Benghazi were being used to facilitate weapons transfers from Libya to Syria or to any other foreign country?

A I do not.

Q A team of CIA security personnel was temporarily delayed from departing the Annex to assist the Special Mission Compound, and there have been a number of allegations about the cause of and the appropriateness of that delay. The House Intelligence Committee issued a bipartisan report concluding that the team was not ordered to stand down but that instead there were tactical disagreements on the ground over how quickly to depart.

Do you have any evidence that would contradict the House Intelligence Committee's finding that there was no stand down ordered to CIA personnel?

A I don't.

Q Putting aside whether you personally agree with the

decision to delay temporarily or think it was the right decision, do you have any evidence that there was a bad or improper reason behind the temporary delay of the CIA's security personnel who departed the Annex to assist the Special Mission Compound?

A I do not.

Q A concern has been raised by one individual that in the course of producing documents to the Accountability Review Board damaging documents may have been removed or scrubbed out of that production. Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials that were provided to the ARB?

A I don't.

Q Do you have any evidence that anyone at the State Department directed anyone else at the State Department to remove or scrub damaging documents from the materials that were provided to the ARB?

A I don't.

Q Let me ask you this question for documents provided to Congress: Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials that were provided to Congress?

A I do not.

Q It has been alleged that CIA Deputy Director Michael Morell altered unclassified talking points about the Benghazi attacks for political reasons and that he then misrepresented his actions when he told Congress that the CIA "faithfully performed our duties in

accordance with the highest standards of objectivity and nonpartisanship."

Do you have any evidence that CIA Deputy Director Mike Morell gave false or intentionally misleading testimony to Congress about the Benghazi talking points?

A I don't.

Q Do you have any evidence that CIA Deputy Director Morell altered the talking points provided to Congress for political reasons?

A I don't.

Q Do you have any evidence that Ambassador Rice intentionally misrepresented facts about the Benghazi attacks on the Sunday talk shows?

A I don't.

Q It has been alleged that the President of the United States was virtually AWOL as Commander in Chief on the night of the attacks and that he was missing in action.

Do you have any evidence to support the allegation that the President was virtually AWOL as Commander in Chief or missing in action on the night of the attacks?

A I do not.

Q It has been alleged that a team of four military personnel at Embassy Tripoli on the night of the attacks who were considering flying on the second plane to Benghazi were ordered by their superiors to stand down, meaning to cease all operations. Military officials have stated that those four individuals were instead ordered to remain

in place in Tripoli to provide security and medical assistance in their current location.

A Republican staff report issued by the House Armed Services Committee found that there was no stand-down order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi. Do you have any evidence to contradict the conclusion of the House Armed Services Committee that there was no stand down order issued to U.S. military personnel in Tripoli?

A I don't.

Q It has been alleged that the military failed to deploy assets on the night of the attack that would have saved lives. Former Republican Congressman Howard Buck McKeon, the former chair of the House Armed Services Committee, conducted a review of the attacks after which he stated, "Given where the troops were, how quickly the thing all happened and how quickly it dissipated, we probably couldn't have done more than we did."

Do you have any evidence to contradict Congressman McKeon's conclusion?

A I could not.

Q Do you have any evidence that the Pentagon had military assets available to them on the night of the attacks that could've saved lives if the Pentagon leadership intentionally decided not to deploy?

A No.

Ms. Sawyer. Ms. Mills, that concludes our questions. We truly appreciate your indulgence starting so early and really working with

the committee through all of our questions.

I don't know if the ranking member --

Mr. Cummings. No. I just want to say thank you also. And out of respect for your time, I'm not going to ask any questions. I have a lot, but it's fine. And I just want to thank you for your service.

Ms. Mills. Thank you. Thank you for taking the time to be here today. I know all of you all have other places to be and other things you could be doing, so I appreciate not only you being here but all of you being here and the respect that you've showed me through this process. I really appreciate it.

Mr. Gowdy. Thank you.

[Whereupon, at 5:32 p.m., the interview was concluded.]

Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

Date

Errata Sheet

Select Committee on Benghazi
Transcribed Interview of Cheryl D. Mills

<u>PAGE</u>	<u>LINE</u>	<u>CORRECTION</u>
13	12	Remove “Yeah,” before “I think.” Change made by witness.
25	2	Insert space between “real” and “time.” Change made by witness.
25	21	Remove “like,” after “so.” Change made by witness.
25	24	Change “off” to “up.” Change made by witness.
26	8	Remove “the” between “after” and “math.” Insert “in the” before “aftermath.” Changes made by witness.
26	16	Insert space between “real” and “time.” Change made by witness.
28	20	Change “use” to “used.” Change “had to” to “would.” Changes made by witness.
35	1	Insert space between “real” and “time.” Change made by witness.
35	18	Insert space between “real” and “time.” Change made by witness.
37	2	Change “I” before “felt” to “It.” Change made by witness.
38	23	Insert “since” after the dash. Change made by witness.
38	24	Change “hadn’t” before “been” to “had.” Remove “that” before “we.” Changes made by witness.
40	3	Change “Yeah” to “Yes.” Change made by witness.
47	5	Remove “you want do” after “did.” Change made by witness.
68	4	Change “collocated” to co-located.” Change made by witness.
68	14	Insert “this” after “which.” Change made by witness.
70	14	Change “now” to “new.” Change made by witness.
88	12	Insert “permission” after “seek.” Change made by witness.
116	7	Insert space between “real” and “time.” Change made by witness.
145	17	Change “Uh-huh” to “Yes.” Change made by witness.

<u>PAGE</u>	<u>LINE</u>	<u>CORRECTION</u>
159	7	Insert hyphen in “wellbeing.” Change made by witness.
162	18	Change “Yeah” to “Yes.” Change made by witness.
231	16	Remove “No” after “Yes.” Change made by witness.
234	10	Remove “Yeah.” after “her.” Change made by witness.
272	4	Change “yeah” to “yes.” Change made by witness
288	7	Change “Yeah” to “Yes.” Change made by witness

NOTE: On page 139, the questioner incorrectly identifies Admiral Michael Mullen as the Chairman of the Joint Chiefs of Staff during the Benghazi attacks. However, Admiral Mullen served as the 17th Chairman of the Joint Chiefs of Staff from October 1, 2007 until September 30, 2011, and was therefore not Chairman during the Benghazi attacks.¹

¹Department of Defense, Joint Chiefs of Staff, *About: Chairman of the Joint Chiefs of Staff* (online at <http://www.jcs.mil/About/TheJointStaff/Chairman.aspx>) (accessed Oct. 17, 2015).